

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC(OAC) No.3981 of 2015

Sangram Keshari Mohapatra

....

Petitioner

Mr. H.P. Rath, Advocate

-versus-

State of Odisha & others

....

Opposite Parties

Mr. S. Jena,

Standing Counsel, S & ME.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

07.02.2022

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. Heard learned counsel for both the parties.
3. The present writ petition has been filed by the Petitioner with a prayer for a direction to the Opposite Parties not to disengage him from the post of Junior Teacher on the basis of vigilance report.
4. It is submitted by learned counsel for the Petitioner that the vigilance report cannot be basis for disengagement the Petitioner to the post of Junior Teacher as the disability certificate which was produced by the Petitioner is genuine.
5. Mr. S. Jena, learned counsel for the State submits that pursuant to the direction of this Court in W.P.(C) No.25903 of 2011 order 09.07.2015 an enquiry was conducted by the Deputy Superintendent of Policed (Vigilance), Dhenkanal with regard to submission of fraudulent disability certificate by the candidate for

appointment of Shikshya Sahayaka. The report was submitted by the Vigilance department after due enquiry and it is found that some of the certificates are not genuine. Accordingly, the candidates were asked to appear before the committee constituting board and found that the present Petitioner does not require physical disability to be appointed as Shikshya Sahayaka. He further submits that the action of the Petitioner is premature as he is not disengaged in the order dated 09.07.2015 passed in W.P.(C) No.25903 of 2011 this Court has observed that before taking any action, the Collector-cum-CEO, Zillaparisad, Dhenkanal shall provide an opportunity of hearing to the Petitioner and the similarly situated persons. Therefore, Mr. Jena Submits that the Petitioner should appear before the Collector, Dhenkanal and submit his grievance.

6. Having heard learned counsel for the parties, this Court is of the considered opinion that the Petitioner should first approach the Collector-cum-CEO, Zillaparisad, Dhenkanal by filing a representation incorporating therein his grievance. In the event such representation is filed, the competent authority shall consider the same in accordance with law and provide an opportunity of hearing to the Petitioner and further if required, the competent authority also refer the concerned candidate to the Medical Board, which is competent to grant final disability under the rule as per the notification dated 06.09.2011. In the event the representation is produced before the competent authority within a period of two weeks from today along with certified copy of this order, the entire exercise shall be carried out and completed within a period of eight weeks thereafter. Till such time, no coercive shall be taken against the Petitioner.

7. With the aforesaid observations, the writ petition stands

disposed of.

8. Urgent certified copy of this order be granted on proper application.

Jagabandhu

(A.K. Mohapatra)
Judge

