

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C)(OAC) No.2744 of 2014

Sri Nirmal Chandra Pattnaik

....

Petitioner

Mr. S.B. Mohanty, Advocate

-versus-

State of Orissa and others

....

Opposite Parties

Mr. Sangram Jena, Standing Counsel for S.&M.E. Deptt.

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. The present writ petition has been filed by the Petitioner praying for quashing of the impugned order dated 16.07.2014 (Annexure-18) and termination order keeping in view Section 10(A) of Orissa Education Act. Further the Petitioner prays to regularize the period of absence by sanctioning leave on medical ground and sanction pension both arrear and current in view of Rule 82(a) of Orissa Aided Educational Institutions Retirement Benefit Rules, 1981 read with Orissa Civil Service Pension Rule, 1992.
3. Learned counsel for the Petitioner relies on the two judgments of this Court in the case of *Karunakar Behera vs. State of Orissa & Ors., reported in 2017 (I) ILR - CUT -906* and in the case of *Kshnaprava Mohanty vs. State of Orissa & Ors., reported in 2012 (I) ILR- CUT-322*.

4. Mr. S. Jena, learned Standing Counsel for the School and Mass Education Department vehemently opposes the relief sought for in the present writ petition. He however supports the impugned order passed by the Authority rejecting the claim of the present Petitioner. So far as the judgment relied upon by the Petitioner, Mr. Jena submits that the same is required to be examined keeping in view the facts of the present case and it is to be verified whether the same is applicable to the present case.

5. In such view of the matter, the present writ petition stands disposed of with a direction the present Petitioner to file a fresh representation before the Opposite Party No.1 along with copies of the judgments referred to hereinabove within a period of two weeks from today. In such event, the Opposite Party No.1-Authority shall consider and dispose of the said representation of the Petitioner in the light of the judgments cited supra within a period of four weeks from the date of filing of such representation by passing a speaking and reasoned order after giving an opportunity of hearing to the Petitioner. The decision so taken shall be communicated to the Petitioner within a period of ten days thereafter. This Court, however, makes it clear that it has not expressed any opinion on the merits of the case.

6. With the above observation, the writ petition stands disposed of.

7. Issue urgent certified copy of this order on proper application.

(A.K. Mohapatra)
Judge