

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**W.P.(C) No. 27043 of 2019**

***Amulya Kumar Malik***

***Petitioner***

....  
Mr. Trilochan Barik, Advocate

*-versus-*

***State of Odisha and others***

....  
***Opposite Parties***

Mr. S. Jena, SC S&ME Deptt.

**CORAM:  
JUSTICE M.S.SAHOO**

**ORDER  
17.2.2022**

**Order No.**

6. This matter is taken up by hybrid mode.

The writ petition has been filed challenging the disengagement order dated 15.10.2019 (Annexure-8) passed by the Collector-cum-Chief Executive Officer, Zilla Parishad, Koraput (O.P. NO.3) issued by the District Project Office, Samagra Siksha Sadan, Koraput. On perusal of the impugned order it is apparent that the petitioner was disengaged from his post, holding that he remained absent from duty unauthorisedly contrary to the contract entered between the petitioner and the opposite parties. It is submitted by the learned counsel for the petitioner that his absence from duty was not deliberate but for the bona fide reason that he suffered from hepatitis and had applied for leave on medical ground as at Annexure-4 indicating that he wanted leave from 3.1.2019 onwards.

In response, learned Standing Counsel submits that the annual period of engagement as per contract entered with the petitioner provided for a period of twelve days of leave and the petitioner being privy to the said contract of engagement had violated which had resulted in disruption of the teaching assignment in the school where the petitioner was posted. The said condition as contained in the contract of engagement is pursuant to the clause 9.4 of the Govt.

guideline dated 10.1.2011 (Annexure-A/6) which is quoted herein :

“9.4 The Siksha Sahayak shall be eligible for casual leave of 12 days during one Calendar year. She/He shall not be entitled to any other authorized absence beyond the above-mentioned period. If he/she remains absent with permission and if she/he does not have any authorized leave at her/his credit, the proportionate amount from consolidated remuneration shall be deducted.”

In response, learned counsel for the petitioner submits that the petitioner is willing to join the work as Junior Teacher for which he offers his willingness which may be considered favourably and pragmatically by the appropriate authority.

This Court finds force in the submission of learned counsel for the petitioner to the extent that since there is dearth of teachers and the petitioner does not want to pursue the present litigation and wants to rejoin in his service, that may be offered by the opposite party.

Learned Standing Counsel submits that the authority shall consider the representation of the petitioner favourably if granted some time.

In view of the above, the writ petition is disposed of observing that if the petitioner makes a representation for his engagement as Junior Teacher under the appropriate authority, the same shall be considered favourably and pragmatically by the authority within a period of three months.

The writ petition is disposed of accordingly.

In view of the peculiar facts and circumstances of the case, the observation in this case shall be confined to the fact situation of the present case only.

**( M.S.Sahoo )**  
**Judge**

*dutta*

