

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.C(OA) No.287 of 2013

Hrudananda Pati

....

Petitioner

-versus-

State of Odisha & Others

....

Opposite Parties

**CORAM:
JUSTICE BIRAJA PRASANNA SATAPATHY**

**ORDER
31.03.2022**

Order No

- 3.** 1. This matter is taken up through Hybrid Mode.
2. Heard Mr. P.C. Sethi, learned counsel for the Petitioner and Mr. Prusty, learned counsel for the State-Opposite Parties.
3. The Petitioner has filed the present Writ Petition with a prayer to quash the order dated 28.01.2013 passed by the District Education Officer, Khordha under Annexure-4.
4. As reflected in the said order, the District Education Officer, Khordha, the Opposite Party No.3 vide the said letter dated 28.01.2013 directed the Petitioner to produce his fitness certificate after his examination by the Medical Board.
5. Mr. Sethy, learned counsel for the Petitioner submitted that instead of accepting his joining, when the impugned letter dated 28.01.2013 under Annexure-4 was issued, he filed the present Writ Petition seeking quashing of the same and for a direction on the Opposite Parties to allow him to continue as

Physical Education Teacher.

6. On being noticed by the learned Tribunal, a counter affidavit has been filed by Opposite Party No.3 justifying the action in issuing Annexure-4. But it is submitted by Mr. Sethy, learned counsel for the Petitioner that during pendency of the matter and after being re-examined by the Medical Board, the Petitioner was allowed to join as a P.E.T in Government High School, V.S.S., Nagar, Bhubaneswar vide Office Order No.8962 dated 27.7.2013.

7. It is submitted by the learned counsel for the Petitioner that pursuant to the said order dated 27.07.2013 though the Petitioner was allowed to join in his post and he is continuing in that capacity till date, but the Opposite Parties are not sanctioning the revised scale and increments in his favour as due and admissible.

8. Accordingly, learned counsel for the Petitioner prays for interference of this Court and for a direction on the Opposite Parties to extend the revised scale and increments as due and admissible to the post held by the Petitioner.

9. Heard learned counsel for the Parties.

10. Since the present Writ Petition has been filed seeking quashing of Annexure-4 and pursuant to the order issued on 27.07.2013, the said prayer has been allowed nothing remains to be decided in the present Writ Petition. If the Petitioner has any further grievance with regard to non sanction of revised scale and increments as due and admissible to the post held by the Petitioner, it is open for him to make a comprehensive

representation before the Opposite Party No.3 seeking redressal of such grievance.

11. Accordingly, while disposing the Writ Petition, liberty is granted to the Petitioner to make such representation if any within a period of three weeks by enclosing all the documents in support of his claim.

12. It is observed that if such a representation is filed within the aforesaid period of three weeks, the Opposite Party No.3 shall do well to take a lawful decision on the same within a period of three months from the date of receipt of such representation. The order so passed by the Opposite Party No.3 shall also be communicated to the Petitioner.

13. It is further observed that if on such consideration of the Petitioner grievance, the Petitioner is held eligible to get the financial benefit, Opposite Party No.3 shall so do well to disburse the same in his favour within a further period of three months from the date of passing of such order.

14. With the aforesaid observation and directions, the Writ Petition (OA) is disposed of.

(Biraja Prasanna Satapathy)
Judge

Subrat