

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC (OA) No.2091 of 2017

Sri Chandramani Rout

..... Petitioner
Mr. M. Pati, Advocate

-versus-

***Director, Elementary Education,
Odisha, Bhubaneswar and others***

..... Opposite Parties

Mr. N. Jena, Standing Counsel for School and Mass Education
Department

**CORAM:
JUSTICE B. P. ROUTRAY**

**ORDER
04.11.2022**

Order No.
03.

1. Heard Mr. M. Pati, learned counsel for the Petitioner and Mr. N. Jena, learned Standing Counsel for the School and Mass Education Department.
2. The Petitioner's grievance is that, the order for recovery of Rs.60,000/- under Annexure-6 is directed against him without granting any opportunity of hearing and further, his representation on the same under Annexure-7 is not considered.
3. Annexure-6 reveals that the District Project Coordinator, RTE-SSA, Puri intimated the Block Education Officer, Nimapara to recover an amount of Rs.60,000/- from the Petitioner, who on the

relevant date was working as Asst. Teacher of Hansapada UGUP School.

4. As per allegations, the Petitioner withdrew Rs.1 lakh from school account on 25.1.2012 in the capacity of Headmaster I/c of Hansapada UGUP School, though as per the order dated 5.1.2012 of District Inspector of Schools, the Petitioner was no more in-charge Headmaster of the school and one Dillip Kumar Das was directed to remain in-charge of Headmaster. The petitioner was directed to hand over detail charge of the school to Dillip Kumar Das forthwith.

5. It reveals that the order of recovery of the amount under Annexure-6 has been passed without giving any opportunity of hearing to the Petitioner and without asking the Petitioner to give his reply on the same. The State-Opposite Parties are silent on this aspect in their counter affidavit. Nothing is mentioned in the counter filed by the District Project Coordinator, SSA, Puri regarding any opportunity of hearing granted to the Petitioner before directing for recovery of the amount from him. Accordingly, the order under Annexure-6 is set aside and the District Project Coordinator, RTE-SSA, Puri and Block Education Officer, Nimapara, Opposite Party Nos. 5 & 4 respectively, are directed to pass a fresh order after giving an opportunity of hearing to the Petitioner in the matter. The entire exercise shall be completed within a period of four months from the date of receipt of certified copy of this order.

6. The writ petition is accordingly disposed of.

7. An urgent certified copy of this order be granted on proper application.

(B.P. Routray)
Judge



B.K. Barik