

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.29482 of 2022

***SMC of Dinasinghpatna Pry.
School, Cuttack***

....

Petitioner

Mr.Sharmistha Samal, Advocate

-versus-

State of Odisha and others

....

Opposite Parties

*Mr. R.C.Patnaik, Standing Counsel,
S & ME.*

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

11.11.2022

Order No.

01.

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner and learned Additional Standing Counsel.
3. The Petitioner has filed the present writ application with the following prayer:

“ Under the aforesaid facts and circumstances, it is humbly prayed that the writ petition may be allowed;

A writ of Mandamus or an appropriate writ be issued quashing the impugned order of merger dated 22.10.2020 directing merger of the Petitioner's School with Niali High School, under Annexure-1 passed by the DEO-cum-DPC, SS, Cuttack (Opposite Party no.5) and Dinasinghpatna Primary School the Petitioner's School may be allowed to continue in its original place i.e. village Dinasinghpatna, Niali Grampanchayat in the district of Cuttack.

Further direction to the Government to look into the request of the Petitioner and consider the same in the light of order of the direction of the direction given by this Hon'ble Court in disposal of W.P.(C) No.19512 of 2021 dated

14.07.2021 & W.P.(C) No.28458 of 2021 dated 16.09.2021.

And pass such other or further order or orders as the Hon'ble Court may deem fit and proper to the facts and circumstances of the case.”

4. Learned counsel for the Petitioner submits that challenging the decision of merger of the School the present writ application has been filed. He further submits that in an identical writ application Notification dated 11.03.2020 has been quashed by a coordinate Bench. Therefore, the order passed by the authority by merging the present School with another School is illegal.

5. Learned Standing Counsel, School & Mass Education Department submits that as against the order passed by this Court, the State Government preferred a writ appeal and the judgment has been stayed in the writ appeal. However, he further submits that under the Notification dated 11.03.2020 the grievance cell mechanism has been provided under Clause iv which provides that a State Level School Consolidation Committee (SLSCC) under the Chairmanship of State Project Director, OSEPA with Director, Secondary Education and Director Elementary Education as members will scrutinize and approve the list for consolidation. In such view of the matter, learned Standing Counsel for School & Mass Education department submits that let the Petitioner approaches the SLSCC who is the competent authority to take a decision in the matter.

6. Having heard learned counsel for the parties, this Court disposes of the writ application, without expressing any opinion on the merits of the matter by directing the Petitioner to file a comprehensive representation with all supporting documents within two weeks from today. In the event any representation is filed, the same shall be considered in accordance with law and by passing a reasoned and speaking order within three weeks thereafter. The

decision so taken on the representation of the Petitioner shall be communicated to the Petitioner within two weeks thereafter.

7. With the aforesaid observation, the writ application stands disposed of.

8. Issue urgent certified copy of this order as per Rules.

RKS

(A.K. Mohapatra)
Judge

