

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC(OAC) No.1808 of 2012

Rabindra Nath Pradhan

.... ***Petitioner***
Mr. N.P. Patra, Advocate

-versus-

State of Odisha and others

.... ***Opposite Parties***
Mr. S.N. Mohapatra,
Standing Counsel

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER
17.02.2022

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner and learned Standing Counsel for the School and Mass Education Department.
3. The present writ petition has been filed by the Petitioner with a prayer to refix the pay of the Petitioner as per the option under ORSP Rules 1985 and 1989 pursuant to Annexure2.
4. It is submitted by learned counsel for the Petitioner that the Petitioner had submitted a representation dated 22.02.2012 before the Commissioner-cum-Secretary, School and Mass Education Department, Odisha, Bhubaneswar-Opposite Party No.2 under Annexure-3 to the writ petition. It is further submitted that no action has been taken on the representation till date.
5. Learned counsel for the School and Mass Education Department submits that he has not seen where the Petitioner has been filed the representation or not. Further, he submits that he has no objection, if a direction is given to the authorities to consider the

representation of the Petitioner, if any filed afresh, within a stipulated period of time.

6. Having heard learned counsel for the parties, this Court disposes of the writ petition with a direction to the Petitioner to file a fresh representation before the Commissioner-cum-Secretary, School and Mass Education Department, Odisha, Bhubaneswar-Opposite Party No.2 along with supporting documents within a period of two weeks from today. In the event such a representation is filed, the same shall be considered strictly in accordance with law and the same shall be disposed by a speaking and reasoned order within a period of two months from the date of filing of fresh representation.

7. Further, it is directed that the authority shall also consider whether the case of the Petitioner is similar to O.A. No.2294 (*Lokanath Tripathy vs. State and others*) and 276 batch cases which was confirmed by this Court in W.P.(C) No.3993 of 2008. In the event, the case of the Petitioner is similar to the case relied upon by the learned counsel for the Petitioner, then the relief granted by the Tribunal and confirmed by this Court shall also be extended to the Petitioner.

8. It is also made clear that this Court has not express any opinion on the merits of the case.

9. With the aforesaid direction, the writ petition stands disposed of.

10. Urgent certified copy of this order be granted on proper application.

