

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC(OAC) No.1707 of 2013

Nityananda Das

.....

Petitioner

Mr. M.K. Mohanty, Advocate

Vs.

State of Odisha & Ors.

.....

Opposite Parties

State Counsel

CORAM:

DR. JUSTICE B.R. SARANGI

ORDER

14.12.2022

Order No.

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This matter is taken up through Hybrid mode.

2. Heard Mr. M.K. Mohanty, learned counsel appearing for the petitioner and Mr. B. Mohanty, learned Standing Counsel for School and Mass Education Department.

3. The petitioner has filed this writ petition seeking to quash the Notice No.1993 dated 12.04.2013 under Annexure-1, by which opposite party no.4 has directed the petitioner to refund RCM Bill amounting to Rs. 2,93,000/- within a period of fifteen days of the receipt of the letter, failing which necessary legal action/disciplinary action will be initiated against him.

4. Mr. M.K. Mohanty, learned counsel appearing for the petitioner contended that while issuing the impugned order/letter dated 12.04.2013 under Annexure-1, opposite party no.4 has not given opportunity of hearing to the petitioner. Thereby, principle of natural justice has not been complied with.

5. Mr. B. Mohanty, learned Standing Counsel for School and Mass Education Department contended that since principle of

natural justice has not been complied with, while issuing the impugned order/letter dated 12.04.2013, the authority may be directed to adjudicate the matter afresh after giving opportunity of hearing to the petitioner.

6. Considering the contentions raised by learned counsel for the parties and after going through the records, this Court finds that opposite party no.4 has issued the order/letter dated 12.04.2013 without affording opportunity of hearing to the petitioner, thereby, violating the principle of natural justice. Therefore, the order/letter dated 12.04.2013 under Annexure-1 is liable to be quashed and is hereby quashed, and the matter is remitted to opposite party no.4 for fresh adjudication by following principle of natural justice.

7. With the above observation and direction, the writ petition stands disposed of.

8 Issue urgent certified copy as per rules.

(DR. B.R. SARANGI)
JUDGE