

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC (OAC) No.1712 of 2013

Tapan Kumar Dash

.....

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.1955 dated 12.04.2013 and Notice No.2718 dated 06.06.2013 under Annexures-1 & 3 respectively, by which opposite party no.4 has directed the petitioner to refund RCM Bill amounting to Rs. 92,000/- and Rs.62,000/- 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/letters dated 12.04.2013 and 06.06.2013 under Annexures-1 & 3 respectively, 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 orders/letters dated 12.04.2013 and 06.06.2013, 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 orders/letters dated 12.04.2013 and 06.06.2013 without affording opportunity of hearing to the petitioner, thereby, violating the principle of natural justice. Therefore, the orders/letters dated 12.04.2013 and 06.06.2013 under Annexures-1 & 3 respectively are liable to be quashed and are 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

