

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.30059 of 2022

Niranjan Biswal

..... Petitioner
Mr.A.N.Pattanaik, Advocate

-versus-

State of Odisha and others

..... Opposite Parties
Mr.B.P.Tripathy, A.G.A.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER
17.11.2022

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 Government Advocate.
 3. The Petitioner has filed the present writ application with the following prayer:

“ It is therefore prayed that this Hon’ble Court may graciously be pleased;

 - i) To quash the letter No.9462 dated 01.11.2022 of the District Education Officer, Jagatsinghpur and consequential Order No.39 dated 02.11.2022 of the Headmistress of Dedhasaradeuli Government High School under Annexure-2 (series)
 - ii) To reassigned the work of the Petitioner to his former posts of Peon instead of Night Watcher

And/or pass order/orders, direction/directions in this Hon’ble Court may think fit and proper for the ends of justice”
 4. In course of hearing of the writ application, learned counsel for the Petitioner submits that the Petitioner ventilating his grievance has

submitted representation before the District Education Officer, Jagatsinghpur, Opposite Party No.3 on 03.11.2022 under Annexure-5. It is also submitted by the learned counsel for the Petitioner that the said representation is pending as of now. It is also submitted by the learned counsel for the Petitioner that a direction be issued to the Opposite Party No.3 to consider the representation of the Petitioner under Annexure-5 within a stipulated period of time.

5. Learned Additional Government Advocate submits that he has no objection if the representation of the Petitioner is considered by the Opposite Party No.3, which is stated to be pending, in accordance with law within a stipulated period of time.

6. Considering the limited nature of grievance of the Petitioner, the writ application is disposed of at the stage of admission with a direction to the Opposite Party no.3 to consider the representation of the Petitioner under Annexure-5 in accordance with law within a period of six weeks from the date of production of certified copy of this order. The Opposite Party No.3 shall do well to dispose of the representation of the Petitioner under Annexure-5 by passing a speaking and reasoned order. The Opposite Party No.3 shall also consider the case of the Petitioner in the light of the Government guidelines as has been stated by the Petitioner and examine as to whether any Government guideline has been violated directing the Petitioner to discharge his duty as Night Watch Man when his substantial post is Peon. Further, it is directed that the Opposite Party No.3 shall consider whether the mother of the Petitioner is ailing and bed ridden and in such eventuality it is directed that the Opposite Party No.3 shall take suitable decision in respect of continuation of the Petitioner as Peon and not as Night Watch Man.

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

