

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC(TAC) No.04 of 2011

Amina Pradhan

..... Petitioner
Mr.K.K.Swain, Advocate

-versus-

State of Odisha & others

..... Opposite Parties
Mr. R.C.Patnaik, Standing Counsel
for S. & ME.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

03.11.2022

Order No.

- 04.
1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
 2. Heard learned counsel for the Petitioner and learned Standing Counsel for School & Mass Education department.
 3. The Petitioner has filed the present writ application with the following prayer:

“ Under the above circumstances, it is humbly prayed that the writ application be allowed;

A n d

- a) A writ of certiorari be issued quashing the order dated 07.09.1995 passed by the Inspector of Schools under Annexure-2;

A n d

- b) A writ of mandamus be issued commanding the Opposite Parties to accord approval of the Petitioner's appointment

against the post of 4th Peon and thereafter his monthly salary may be released under the direct payment scheme as per Rule 9 of the Orissa Education (Recruitment etc.) Rules of 1974;

A n d

c) Any other order/orders or direction/directions be issued so as to give complete relief to the petitioner;”

4. It is submitted by the learned counsel for the Petitioner that the ratio involved in the present case is directly and substantially involved in WPC(OAC) No.2701 of 2014. He further submits that by a detailed judgment this Court has decided the above named writ application vide judgment dated 08.09.2021. The principle decided therein is squarely applicable to the present case.

5. On the other hand, learned Standing Counsel for School & Mass Education department submits that if the Petitioner is squarely covered by the decision of this Court in **Himansu Sekhar Das-v. State of Odisha** and others in **WPC(OAC) No.2701 of 2014** decided on 08.09.2021, the Opposite Party No.2, Director, Secondary Education be directed to decide the case of the Petitioner within a stipulated period of time.

6. Having heard learned counsel for the parties and considering their respective contentions, this Court deems it proper to dispose of the writ application directing the Petitioner to approach the Director, Opposite Party No.2 along with a certified copy of this order and a copy of the order passed in WPC(OAC) No.2701 of 2014 decided on 08.09.2021 within a period of three weeks. In the event the Petitioner approaches the Opposite Party No.2, the Opposite Party No.2 shall do well to consider the case of the Petitioner and in the event it is found that the Petitioner is covered under the judgment of this Court referred to herein above then the benefit accrued therein be extended to the Petitioner by taking a decision within a period of six weeks

thereafter. The decision so taken be communicated to the Petitioner within 10 days 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

