

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.30479 of 2022

M.C. of the Welfare, Balasore *Petitioner*
Mr. D.K. Mohapatra, Advocate
-versus-
State of Odisha and others *Opposite Parties*

Mr. R.C. Pattanaik,
Standing Counsel for the School and
Mass Education Department.

CORAM:
JUSTICE A.K. MOHAPATRA

ORDER
06.12.2022

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 for the State. Perused the writ petition as well as documents annexed to the writ petition.
 3. The present writ petition has been filed by the petitioner with a prayer for a direction to the Opposite Party Nos.3 and 4 to return all the original records seized by the authorities vide seizure list dated 28.10.2022 under Annexure-12 and further a declaration to relief has been prayed for declaration that the action of Opposite Party Nos.3 and 4 taking away the entire documents of the school is illegal and unconstitutional.
 4. Learned counsel for the petitioner's School Managing Committee submits that the school in question imparting education to

the blind students in the State of Odisha. However, the same is under the School and Mass Education Department conducted an enquiry and in course of enquiry, they have seized and taken away the records of the school which is causing difficulty for the management to run the school effectively. He further submits that the seizure took place on 28.10.2022. Further, the seizure list annexed to the writ petition under Annexure-12 reflects that the documents seized by the enquiring authority. In such view of the matter, learned counsel for the petitioner submits that the Opposite Parties be directed to return the original documents as in absence of such document, the petitioner is facing difficulty to run the school where the blind students are studying.

5. Learned Standing Counsel appearing for the School and Mass Education Department, on the other hand, submits that on certain allegation, an enquiry was conducted against the petitioner's school. Accordingly, the documents have been seized for the purpose of enquiry by the following due procedure of law. He further submits that enquiry is going on likely to be completed very soon and the records, which have been seized from the school shall be handed over to the school authorities. Therefore, learned counsel for the School and Mass Education Department submits that the writ petition is premature and the same should not be entertained by this Court.

6. Having heard learned counsel for the parties and the rival contentions, this Court is of the considered view that the enquiring authorities are going on within their jurisdiction and seized the records in course of the enquiry. However, considering the fact that the school authority requires such records for smooth functioning and management of the school, the Opposite Parties are directed to make

every endeavour to conclude the enquiry as soon as possible preferably within a period of four weeks from today. Further, it is directed that after conclusion of the enquiry within the period as aforesaid, documents seized shall be handed over to the petitioner in accordance with law within two weeks thereafter.

7. With the aforesaid observation/direction, the writ petition is disposed of.

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

Jagabandhu

