

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.30842 of 2022

Bibekananda Khilar

....

Petitioner

Mr. K.K. Swain, Advocate

-versus-

State of Odisha and others

....

Opp. Parties

*Mr. R.C. Pattnaik,
Standing Counsel for
the S&M.E. Deptt.*

**CORAM:
JUSTICE A.K. MOHAPATRA**

**ORDER
23.11.2022**

Order No.

- 02.
1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
 2. Heard learned counsel for the Petitioner as well as learned Standing Counsel appearing for the S&M.E. Deptt.
 3. This writ petition has been filed by the Petitioner with a prayer to quash the impugned order dated 07.09.2022 issued by the Additional Secretary to Government of Odisha, School & Mass Education Department together with the list under Annexure-16, so far it relates to Opposite Party No.4-School is concerned, with a direction to the State-Opposite Parties to derecognize the Opposite Party No.4-School as the Opposite Party No.4-School has not

fulfilled the eligibility condition required for grant of recognition in view of the Section-6 of the Odisha Education Act, 1969 and the Rules framed thereunder.

4. At the outset, it is submitted by the learned counsel for the Petitioner that being aggrieved by action of the Opposite Parties, the Petitioner had earlier approached this Court by filing writ petition bearing No.24553 of 2017 which was disposed of on 14.12.2017 with a direction to the Opposite Party No.1 to consider the representation of the Petitioner within a stipulated period of time by taking into consideration the other development, particularly the order under Annexure-9 to that writ petition. It is further submitted that after the order was passed in the earlier round of litigation, the matter was taken up by the Principal Secretary to Government, School & Mass Education Department vide its office order No16021 dated 23.08.2021. The representation of the Petitioner was disposed of by the Principal Secretary to Government, School & Mass Education Department pursuant to the order dated 14.12.2017 passed by this Court in the earlier writ petition directing the Opposite Party No.2- Director, Secondary Education, Odisha to take necessary steps for de-recognition of the Sahada Harijan High School by following due procedure as per rules in this regard and basing on the report of the

District Education Officer, Bhadrak submitted in his letter No.831 dated 29.01.2021. It is further contended that despite the office order No.16021 dated 23.08.2021 passed by the Opposite Party No.1-Principal Secretary to Government, School & Mass Education Department, the Opposite Party No.2-Director, Secondary Education, Odisha has not taken any action whatsoever as has been directed by the Opposite Party No.1, which has compelled the Petitioner to approach this Court for redressal of his grievance.

5. Learned Standing Counsel appearing for the School & Mass Education Department, on the other hand, submits that the issue has been decided by the Opposite Party No.1-Principal Secretary to Government, School & Mass Education Department vide his office order No.16021 dated 23.08.2021 and pursuant to the said order, Opposite Party No.2 has to take the follow up action. However, he further submits that he has no objection in the event the present writ petition is disposed of by directing the Opposite Party No.2-Director, Secondary Education, Odisha to act on the letter dated 23.08.2021 under Annexure-15 passed by the Opposite Party No.1-Principal Secretary to Government, School & Mass Education Department and take a final decision expeditiously, preferably within a period of two months.

6. Considering the submission of the learned counsel for the respective parties and without expressing any opinion on the merit of the case, this Court disposes of the writ petition by directing the Opposite Party No.2-Director, Secondary Education, Odisha to carry out the order passed by the Opposite Party No.1 on 23.8.2021 under Annexure-15 within a period of two months from the date of production of certified copy of this order by the Petitioner. It is open for the Opposite Party No.2 to follow up the procedure established by law and rules and the direction in this regard as has been directed by the Opposite Party No.1.

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

