

IN THE HIGH COURT OF ORISSA AT CUTTACK
WPC(OAC) NO.4178 OF 2011

Purna Chandra Jena

....

Petitioner

-versus-

State of Odisha & Others

....

Opp. Parties

COROM:
JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

Order No

14.10.2022

2. 1. This matter is taken up through Hybrid Mode.

2. Heard Mr. M.K. Sahoo, learned counsel for the petitioner and Mr. B. Prusty, learned Addl. Standing Counsel appearing for the State-opp. Parties.

3. The present writ petition has been filed with the following prayer.

“Necessary order/orders be passed, declare the rejection order under Annexure-11 illegal and arbitrary.

Necessary direction/directions be passed directing the respondent No.2 to give promotion to the applicant from the year 2006 in respect of his scheduled caste Headmaster post with all promotional and financial benefits within a stipulated time if necessary by declaring any order standing on the way of depriving such promotion to be illegal and arbitrary.”

4. It is submitted that the petitioner though is eligible for his promotion to the rank of Headmaster, but due to inaction of the opp. Parties in not placing him in Junior SES cadre, the petitioner was deprived of

getting the said benefit. It is also submitted that the direction issued by the learned Tribunal to consider the case of the petitioner was rejected by opp. Party no.2 vide the impugned order dated 24.9.2010 under Annexure-11.

5. Even though the present writ petition is filed since 26.9.2011, but no counter affidavit has been filed. However, taking into account the fact that the petitioner has retired in the meantime, this Court permits the petitioner to move an application before opp. Party no.1 seeking reconsideration of the matter.

6. In view of that, while disposing the writ petition, this Court permits the petitioner to move appropriate application before Opp. Party no.1.

7. It is observed that if any application is filed seeking reconsideration of the matter, opp. Party no.1 shall take a decision on the same on its own merits and without being guided by the order passed by Opp. Party No.2. The entire exercise shall be completed within a period of three months from the date of receipt of the representation.

7. With the aforesaid observation and direction, the Writ Petition is disposed of.

(Biraja Prasanna Satapathy)
Judge

sangita

