

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.30865 of 2022

Parameswar Harijan and others ***Petitioners***
Mr.Sarbeswar Behera, Advocate

-versus-

State of Odisha and others ***Opposite Parties***
Mr.R.C.Patnaik, Standing Counsel
for S & ME.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

23.11.2022

Order No.

01.

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner as well as the learned Additional Standing Counsel. Perused the records.
3. The present writ application has been filed for a direction to the competent authority for upgradation of the Petitioners School from Upper Primary School to High School as has been decided by the Government under Annexure-1.
4. It is submitted by the learned counsel for the Petitioner that on the basis of the request made by the local residents, the District Education Officer, Nuapada vide his letter dated 10.04.2013 under Annexure-1 communicated to the State Project Director, OMSM(RMSA), Odisha, Bhubaneswar to finalise the proposal of upgradation of School of UP School to Upgraded High School as per the School mapping along with the feasibility report in respect of 32 Schools. It is submitted by the learned counsel for the Petitioners that in

the list of Schools in respect of which feasibility report has been submitted, the Petitioners' School stands at sl.no.16 and in the remarks column it has been stated that the School is eligible in terms of distance. However, no decision was taken by the Government. Being aggrieved by the inaction of the Opposite party-authorities, the Petitioner approached the authority by filing several representations, one of such representation is Annexure-2 dated 24.08.2022 addressed to the Collector, Nuapada. It is further submitted by the learned counsel for the Petitioner that the same has been forwarded to the District Education Officer of the district to take a decision. Further intimation which has been down loaded from the website of Collector's Office reveals that the representation of the Petitioners has been forwarded to the District Education Officer on 06.09.2022 for taking appropriate decision in the matter. However, he further submits that till date no action has been taken in the matter. It is further submitted by the learned counsel for the Petitioner that the decision of the Government vide letter dated 30.04.2022 under Annexure-4 reveals that 12 Schools have been upgraded including several Schools from Nuapada district and the list attached to the letter does not reveal the Petitioners School although it is eligible for upgradation.

5. Learned Standing Counsel for the School & Mass Education department submits that since the matter is subjudiced before the District Education Officer for taking a final decision in the matter, this matter can be disposed of by directing the District Education Officer, Nuapada, Opposite Party No.4 to take a decision in the matter within a stipulated period of time keeping in view the fact that the School has been upgraded in the meantime.

6. Having heard learned counsel for the respective parties and upon perusal of the documents filed along with the writ application, this Court disposes of the writ application directing the Opposite Party No.4

to take a decision on the representation of the Petitioner which has been forwarded from the Office of the Collector & District Magistrate, Nuapada and assigned to him and the same has been reached before the District Education Officer, Nuapada on 06.09.2022 as revealed from Annexure-3, within a period of eight weeks from the date of production of certified copy of this order by the Petitioner. The decision so taken shall be communicated to the Petitioner within two weeks from the date of taking a decision on the representation of the Petitioner.

7. With the aforesaid observation the writ application stands disposed of.

8. Issue urgent certified copy of this order as per Rules.

RKS

