

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.36468 of 2021

Dayanidhi Nanda Goswami

Petitioner

Mr. L. Mohanty, Advocate

-versus-

State of Odisha and others

Opp. Parties

***Mr. B. Mohanty,
Standing Counsel S & ME.***

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

06.01.2022

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Video Conferencing/Physical Mode).
2. Heard Mr. L. Mohanty, learned counsel for the Petitioner and Mr. B. Mohanty, learned Standing Counsel appearing for the School and Mass Education Department.
3. The present writ petition has been filed by the Petitioner seeking for a direction to the Opposite Parties to grant retrospective promotion to the Petitioner to Jr. SES Cadre with notional benefit as directed by this Court in similar matter.
4. Learned counsel for the Petitioner relies on the decision of the Hon'ble Supreme Court in the case of ***State of U.P. vrs. Arvind Ku. Strivastav*** : reported (2015)1 SCC 347.
5. It is submitted that similar benefit has also given by the Government vide order issued by the Government of Odisha School and Mass Education Department No.25057 dated 23rd December, 2021. It is further submitted by learned counsel for the Petitioner that the Petitioner has submitted a representation to the Secretary, School and Mass Education Department, Odisha and seeks for a direction to

the Opposite Party No.1 to consider such representation.

6. Learned counsel appearing for the School and Mass Education Department submits that he has no objection, if a direction is given to the Opposite Party No.1 to consider the representation of the Petitioner.

7. Having heard learned counsel for both the sides and after perusal of the records, this Court disposes of the writ petition with a direction to the Opposite Party No.1 to consider the representation of the Petitioner dated 11.8.2021 stated to be pending before the Opposite Party No.1 within a period of twelve weeks from the date of production of certified copy of this order. It is needless to mention here that the Opposite Party No.1 shall consider the case of the Petitioner taking into consideration all the materials placed before him as well as the judgment of the Hon'ble Supreme Court (supra) and further keeping in view that the similar benefit as has been given to the similarly situated persons. The representation shall be disposed of by a speaking and a reasoned order and the decision thereon shall be communicated to the Petitioner within a period of ten days from the date of decision.

8. This Court does not express any opinion on the merits of the case.

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

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