

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC(OAC) No. 135 of 2019

Arati Patel

....

Petitioner

Mr. S.K. Sarangi, Sr. Advocate
instructed by Mr. A.K. Nayak,
Advocate

-versus-

State of Odisha & others

....

Opp. Parties

*Mr. P.K. Panda, SC (School & Mass
Education Deptt.) for O.P. No.1*

*Mr. R.N. Mishra, AGA for O.P. Nos2
and 3*

**CORAM:
JUSTICE M.S. SAHOO**

**ORDER
18.05.2022**

Order No.
04.

1. This matter is taken up through hybrid mode.
2. The O.A. was filed in the year 2019 by the petitioner challenging the order dated 04.01.2019 (Annexure-6) passed by the Collector & District Magistrate, Nuapada disengaging he petitioner from the post of Matron pursuant to her engagement by order dated 11.08.2015 (Annexure-2) of the Collector & District Magistrate, Nuapada (opposite party no.3) on contractual basis to manage the Hostels managed by ST & SC Development Department on a fixed monthly remuneration for a period of one year.
3. Due to unfortunate death of a hostel inmate, a girl child studying in Class-IV on 11.11.2018, the petitioner was asked to show cause by notice dated 13.11.2018 (Annexure-4) to which she filed her response as at Annexure-5 dated 20.11.2018.

The authority-opposite party no.3 rejected her explanation and passed order of disengagement on 04.01.2019.

4. It is agreed at the Bar that the engagement for

engagement of the petitioner was on a contractual basis, for a fixed tenure and remuneration and the petitioner's engagement would abide by the terms and conditions stipulated in the agreement executed by the petitioner.

5. It is argued by the learned Sr. Counsel for the petitioner that explanation as at Annexure-5 would indicate that after the girl child reported fever, the petitioner had administered her treatment, given her food and also shifted her to Hospital. It is further submitted that about 22 students were suffering from similar symptoms who were given the initial treatment and were attended to and fortunately all the students recovered from their symptoms of fever and headache. However, as ill-luck would have, the student who was shifted to hospital succumbed to her illness and the exact cause of her death is not indicated in the show cause or is not available on record. It is submitted that in the circumstances, the petitioner had did her duty which is not disputed though not accepted by the authority resulting disengagement of the petitioner.

6. Having heard learned Sr. Counsel for the petitioner as well as learned AGA, considering the fact the petitioner's engagement was contractual, a fixed term and for a consolidated amount, it is observed that her disengagement order dated 04.01.2019 shall not affect her future possibility of engagement in any manner.

7. With these observations, the writ petition is disposed of.

(M.S. Sahoo)
Judge