

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**W.P.(C) (OAC) No.1490 of 2019**

***Dibakar Mahapatra***

***....***

***Petitioner***

***-versus-***

***State of Odisha and  
another***

***....***

***Opposite Parties***

**CORAM:**

**JUSTICE BIRAJA PRASANNA SATAPATHY**

**ORDER**

**11.10.2022**

**Order  
No.**

01.           1.       This matter is taken up through hybrid mode.
2.       Heard Mr. P.N. Mohanty, learned counsel appearing for the Petitioner and Mr. N.N. Satpathy, learned Standing Counsel appearing for the School & Mass Education Department.
3.       The Petitioner is aggrieved by the order dated 12<sup>th</sup> March, 2019 passed by the Opposite Party No.2-Director of Secondary Education, Odisha, Bhubaneswar under Annexure-14.
4.       It is submitted by the learned counsel for the Petitioner that the Opposite Party No.2-Director of Secondary Education, Odisha, Bhubaneswar without following the order

passed by Hon'ble the Apex Court in the case of ***Sri Rabinarayan Mohapatra v. State of Orissa and others, reported in 1991 (1) OLR (SC) - 450*** and the provision contained under the Orissa Aided Educational Institutions (Appointment of Teachers Validation) Act, 1989, rejected the claim of the Petitioner vide the aforesaid order.

5. A counter affidavit has been filed by the learned Standing Counsel appearing for the School & Mass Education Department. It is fairly submitted that the ratio in the case of *Sri Rabinarayan Mohapatra* (supra) has not been taken into account while considering the claim of the Petitioner and rejecting the same vide the impugned order at Annexure-14.

6. In view of the same, this Court is inclined to quash the impugned order at Annexure-14 and while quashing the same, directs the Opposite Party No.2-Director of Secondary Education, Odisha, Bhubaneswar to take a fresh decision on the claim of the Petitioner taking into account the ratio decided in the case of *Sri Rabinarayan Mohapatra* (supra) and the provision contained in Orissa Aided Educational Institutions (Appointment of Teachers Validation) Act, 1989. Opposite Party No.2-Director of Secondary Education, Odisha, Bhubaneswar shall take a fresh decision on the same within a period of three months from the date of receipt of this order and communicate the result thereof to the Petitioner within that time.

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

**(Biraja Prasanna Satapathy)**  
**Judge**

*Debasis*

