

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.36976 of 2021

Upendra Kumar Dash

....

Petitioner

*Mr. D.K. Mohapatra,
Advocate*

-versus-

State of Odisha and others

....

Opposite Parties

*Mr. B. Mohanty,
Standing Counsel for S. & M.E. Deptt.*

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

10.01.2022

Order No.

01. 1. This matter is taken up through Video Conferencing mode.
2. The writ petition involves a challenge to the impugned order dated 13.04.2021 at Annexure-5. Entertaining a previous writ petition, this Court issuing notice in clear term indicated regarding the authority under which restriction clause has been imposed in the impugned order. Mr.B. Mohanty, learned Standing Counsel for School and Mass Education Department makes a statement before this Court that after issuing the notice in the earlier writ application, the Department on reconsideration of the issue involved has been pleased to take out the condition attached therein thereby withdrawing the letter dated 13.04.2021. Therefore, there is no existence of letter dated 13.04.2021 under Annexure-5.
3. Now considering the limited prayer to consider the case of the Petitioner in the light of the judgment in O.A.No.1668 of 2017 confirmed in W.P.(C) No.6698 of 2020 and further confirmed in

SLP(C) No.15573 of 2020, the writ petition stands disposed of directing the Competent Authority to dispose of the case of the petitioner applying the decision in O.A.No.1668 of 2017 confirmed in W.P.(C) No.6698 of 2020 and further confirmed in SLP(C) No.15573 of 2020 by undertaking the entire exercise within a period of two months from the date of communication.

4. Petitioner is directed to serve an extra copy of the brief on Mr.B. Mohanty, learned Standing Counsel for School & Mass Education Department for communication purpose.

5. As the restrictions due to resurgence of COVID -19 situation are continuing, learned counsel for the parties may utilize a print out of the order available in the High Court's website, at par with certified copy, subject to attestation by the concerned Advocate, in the manner prescribed vide Court's Notice No.4587, dated 25th March, 2020 as modified by Court's Notice No.4798, dated 15th April, 2021 and Office Order dated 7th January, 2022.

(A.K. Mohapatra)
Judge