

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) (OA) No.1281 of 2019

Anantho Behara Beena Petitioner

-versus-

State of Odisha & Others Opposite Parties

**COROM:
JUSTICE BIRAJA PRASANNA SATAPATHY**

**ORDER
11.10.2022**

Order No

- 01.** 1. This matter is taken up through Hybrid Mode.
2. Heard learned counsel for the Petitioner and learned counsel for the State- Opposite Parties.
3. The Petitioner has filed the present Writ Petition with the following prayer:-

“(i) The Hon’ble Tribunal graciously be pleased to declare and quash the disengagement Order dt.26.09.2017 of the Addl. Secretary to Govt., as bad in Law due to non-application mind and mechanical order without complying the Principle of Natural Justice read with Doctrine of Legitimate expectation and which has not considered the vacancies 9, 654 of State of Odisha, which has not been filled up as per advertisement dt.25.03.2003 under Annexure-3 due to unfilled vacancy of 2030 as per information under RTI, on dt.30.11.2018, under Annexure-14.

(ii) Further be pleased to direct the respondents in general & the Collector-cum-CEO, Zilla Parisad, Rayagada in particular to regularize the service of applicants as Junior Teacher & Regular Primary Teacher after completion of 3 years & 6 years in view of para.1 & 4 of the Resolution No.15107, dt.1.8.2011 of the Govt. in Department of

School & Mass Education, while similar situated SSS were regularized in other districts being engaged as per same advertisement under Annexure-3, dt.25.03.2003.

(iii) Further be pleased to direct the Respondents to regularize the service of applicants by way of Validation Act or as per Supreme Court Judgment of Umadevi having completing more that 10 years with all consequential service and financial benefits with retrospective effect after completion of 3 & 6 years from their initial engagement of SSS in the year 2003,

(iv) Further be pleased to pass any other order(s) / direction (s) as deems fit and proper in the facts and circumstances case”.

4. Considering the submission made and without expressing any opinion on the merits of the case, the Petitioner is directed to make fresh representation before the Opposite Party No.1 by enclosing all the relevant documents and citations in support of his claim, if any, within a period of three (3) weeks hence.

5. It is observed that if such a representation is filed within the aforesaid period, the Opposite Party No.1 shall do well to dispose of the representation in accordance with law within a period of 3(three) months. The decision so taken by the Opposite Party No.1 be communicated to the Petitioner within that time.

6. With the aforesaid observations and directions, the Writ Petition is disposed of.

(Biraja Prasanna Satapathy)
Judge