

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

**WPC (OA) No. 64 of 2019**

***Prakash Chandra Nayak*** .....

***Petitioner***

*Mr. K.C. Sahu, Advocate*

Vs.

***State of Odisha and others*** .....

***Opposite Parties***

*Mr. S. Jena, SC, S&ME Deptt.*

**CORAM:**

**DR. JUSTICE B.R. SARANGI**

**ORDER**

**26.09.2022**

**Order No.**

01.

This matter is taken up through hybrid mode.

2. Heard Mr. K.C. Sahu, learned counsel for the petitioner and Mr. S. Jena, learned Standing Counsel for School & Mass Education Department.

3. The petitioner has filed this writ petition seeking to quash the show cause notice dated 27.12.2018 with regard to illegal appointment from NFE Instructor to Regular Primary School Teacher. The petitioner has further prayed to direct the opposite parties to allow him to continue as usual as an Assistant Teacher with all consequential service and financial benefits.

4. Mr. K.C. Sahu, learned counsel for the petitioner contended that pursuant to the earlier order passed by the tribunal, this show cause notice has been issued and the petitioner is going to face the termination thereof.

5. Mr. Jena, learned Standing Counsel for School & Mass Education Department contended that against notice of show cause, the writ petition is not maintainable. In any case, if the petitioner has

been issued with show cause notice, it is open to him to file his reply before the competent authority. If such a reply is filed, the authority will consider the same and pass appropriate order by giving opportunity of hearing to the petitioner. Till the consideration is made, the petitioner will not be terminated.

6. Having heard learned counsel for the parties and after going through the record, it appears that the petitioner has filed this writ petition challenging the notice of show cause, which is not maintainable. In any case, even though the petitioner apprehends for his termination from service, but against the notice of show cause, the petitioner has to give his reply. Let him file the reply within a period of four weeks and if such a reply is filed, the authority concerned shall consider the same and pass appropriate order in accordance with law. Till the consideration is made by the authority concerned, the interim order passed in this case shall continue.

7. With the above observation/direction the writ petition stands disposed of.

*Arun*

**(DR. B.R. SARANGI, J.)**