

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC (OA) No. 515 of 2019

Pitambar Malik and others

.....

Petitioners

Mr. M. Pratap, Adv.

Vs.

State of Odisha and others

.....

Opposite Parties

Mr. S. Jena, Standing Counsel S&ME

CORAM:

DR. JUSTICE B.R. SARANGI

ORDER

29.09.2022

Order No.

01.

This matter is taken up through hybrid mode.

2. Heard Mr. M. Pratap, learned counsel for the petitioners and Mr. S. Jena, learned Standing Counsel for School and Mass Education Department.

3. The petitioners have filed this writ petition seeking to quash the disengagement order dated 26.09.2017 of the Addl. Secretary to Govt., School and Mass Education Department, and to issue direction to the Collector-cum-CEO, Zilla Parishad, Ganjam to regularize their service as Junior Teacher and Regular Primary Teacher after completion of 3 years and 6 years in view of para-1 and 4 of the resolution dated 01.08.2011.

4. Mr. M. Pratap, learned counsel for the petitioners contended that since steps have been taken to disengage the petitioners, they have approached this Court by filing the present writ petition.

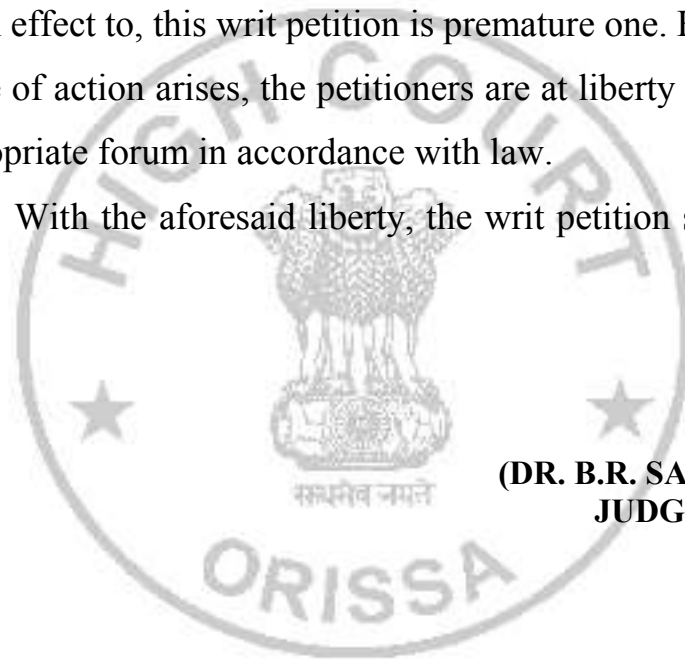
5. Mr. S. Jena, learned Standing Counsel for School and Mass Education Department contended that the petitioners have not yet been disengaged from the post and, as such, confidential letter dated 26.09.2017 has been issued by the Addl. Secretary to Government in School and Mass Education Department to all the Collectors-cum-CEOs, Zilla Parishad for implementation of the orders passed by this Court in W.P.(C) No. 1751 of 2012 (Sushil Kumar Mohapatra v. State of Odisha), and direction has been

given to take appropriate action for disengagement of the Siskhya Sahayaks those were engaged in pursuance to the Government letter no.894/SS&ME dated 26.09.2003 and not selected subsequently in pursuance to the advertisement issued subsequently, if not done yet excluding the candidates in whose favour stay orders are there from any courts fulfilling all required formalities. As such, the said order has not yet been given effect to. Therefore, this writ petition is premature one.

6. Having heard learned counsel for the parties and after going through the records, since the letter dated 26.09.2017 is only communication made between the Government and all Collectors-cum-CEOs, Zilla Parishad and, as such, the same has not yet been given effect to, this writ petition is premature one. However, if any cause of action arises, the petitioners are at liberty to approach the appropriate forum in accordance with law.

7. With the aforesaid liberty, the writ petition stands disposed of.

Ashok



(DR. B.R. SARANGI)
JUDGE