

IN THE HIGH COURT OF ORISSA AT CUTTACK

**W.P.C (OAC)Nos. 2138, 2188, 2193, 2202
2203, 2204, 2205, 2208,2227 of 2014 and
W.P.C (OAC) Nos.2658, 2915, 1244,1259,
1260,1261, 1274 & of 2019**

W.P.C (OAC)No. 2187 of 2014

Baikuntha Bihari Panda

....

Petitioner

Mr. Jayanta Kumar Rath, Sr. Advocate

-versus-

State of Odisha & Others

....

Opposite Parties

Mr. Biplab Mohanty, Standing Counsel

**CORAM:
JUSTICE B.P. SATAPATHY**

**ORDER
18.7.2022**

**Order
No.**

- 4.**
- 1.** This matter is taken up by video conferencing mode.
 - 2.** Heard Mr. Jayanta Kumar Rath, learned Senior Counsel appearing on behalf of the petitioner and other counsel appearing for the connected cases.
 - 3.** Since common question is involved in all these writ petitions, all the matters were heard analogously and disposed of by the present common order.
 - 4.** All these writ petitions have been filed challenging the action of the opposite parties in issuing the communication dated 17.7.2014 by the Commissioner-cum-State Project Director, Orissa Primary Education, Sikhya Soudh, Unit-5

to the Collector-cum-Chairpersons RTE-SSA of different districts of the State. While issuing such communication, since Opp. Party No.2 issued some clarification with regard to engagement of male staffs in different KGBV, the petitioners in the present writ petition being aggrieved by such clarification and apprehending consequential actions have filed the present writ petitions. It is submitted that the said clarification since is violative of Article 16(2) of the Constitution of India, it needs interference of this Court.

5. Mr. Biplab Mohanty, learned Standing Counsel appearing for the opp. Parties on the other hand submitted that similar issue was heard and disposed of by this Court vide judgment dated 21.12.2017 passed in W.P.(C) No.25385 of 2017 and batch. This Court while deciding similar issue held that the impugned communication issued on 17.7.2014 by Opp. Party No.2 is not violative of Article 16(2) of the Constitution of India and accordingly, this Court was not inclined to interfere with the same. It is also submitted that challenging the said order passed by the Hon'ble Single Judge, one of the aggrieved party filed W.A No.159 of 2018. It is also submitted that the said Writ Appeal was also dismissed vide order dated 6.3.2019 and thereby confirming the order passed by the Hon'ble Single Judge. Accordingly, Mr. Mohanty submitted that since the issue has already been decided by this Court by rejecting the prayer made by the similarly situated petitioners, nothing remains to be decided.

6. Mr. Rath, learned Senior Counsel did not dispute the decision relied on by the learned Standing counsel, but

submitted that all the issues as raised in the present writ petition, have not been considered by the Hon'ble Single Judge while passing the order on 21.12.2017.

7. Heard learned counsel for the parties.

8. Perused the materials available on record and the judgment relied on by the learned Standing counsel passed on 21.12.2017 and confirmed by the Division Bench in Writ Appeal No.159 of 2018. This Court after going through the same finds that the issue involved in all these writ petitions have been thoroughly taken care of by the Hon'ble Single Judge and it has been ordered in the negative by holding that there is no illegality in the impugned communication dated 17.7.2014.

9. In view of the above, this Court finds no merit in all these Writ Petitions and accordingly all the Writ Petitions are dismissed.

10. The photocopy of the order be placed in the connected cases.

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B.P. Satapathy, J.

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