

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.38873 of 2021

Sibanarayan Mishra and others* *Petitioners

Mr. Durgesh Narayan Rath, Advocate

-versus-

State of Odisha and others* *Opposite Parties

Mr. D. Mund, AGA for State

CORAM:

JUSTICE A.K.MOHAPATRA

ORDER

07.02.2022

Order No.

02. 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. Heard learned counsel for both the parties.
3. The present writ petition has been filed by the Petitioners seeking for a direction to the Opposite Parties to approve the appointment of the Petitioners as against their respective posts and to release the grant-in-aid under the various provisions of Orissa Education Act and Rules framed thereunder. Further the Petitioners submits that although the Petitioners are eligible to get the grant-in-aid benefits, the Opposite Parties-Authority were not considering their case and the matter is pending before the Appropriate Authority. Earlier Petitioners had approached this Court in W.P.(C) No.24088 of 2020, which was disposed of on 12.11.2020 with a direction to dispose of the representation of the Petitioners within a

period of four weeks. Since the same could not be complied with by the Authority, the Petitioner filed CONTC No.3916 of 2021, which was disposed of on 22.07.2021. Pursuant to order passed in the contempt case, the Authority have passed the order rejecting the representation of the Petitioners vide order dated 05.08.2021 under Annexure-13 to the writ petition. It is further submitted by learned counsel for the Petitioners that although the case is under consideration as submitted by the Opposite Parties in paragraph-2(e) of the impugned order. The representation of the Petitioners has been rejected with the following observation:

“XX XX XX

2 (e) Though the verification work in respect of the Petitioners pertaining to the college records has been conducted but the same has not yet been finalized and the process for finalization of the same is in progress.

In view of the facts, since the admissibility of the posts held by the petitioners for extension of Block Grant benefit has not yet been finalized after examination the contention/apprehension of the petitioners that they have been deprived for extension of such benefit is quite premature at present.

The verification work of the college along with the petitioners and other claimants are in process. In case the petitioners are found eligible their cases will be taken up with other eligible claimants.

In view of the above, the claim of the petitioners are devoid of merit and hence rejected.”

4. Mr. Mund, learned Additional Government Advocate for the State submits that since there was a time stipulation in the earlier direction by this Court, the Authorities were left with no other option than to reject the representation of the Petitioner as they had

no sufficient time to consider the representation in its proper perspective. He further submits that the verification of college records and other documents takes longer time and the same could not be completed within the time stipulated by this Court in its earlier order.

5. Having heard learned counsel for the parties, this Court while setting aside the order dated 05.08.2021 directs the Opposite Parties to conclude the verification of records as indicated in the letter dated 05.08.2021 within a period of six weeks from today and in the event Petitioners files a fresh representation before the Appropriate Authority, the same shall be considered by the Authority in accordance with law taking into consideration the grounds raised by the Petitioners within a period of eight weeks from today. It is needless to mention that the Authority shall dispose of the said representation by passing a speaking and reasoned order. The decision thereof be communicated to the Petitioners within ten days thereafter. It is made clear that this Court has not expressed any opinion on the merits of the case.

6. With the above direction, the writ petition stands disposed of.

7. Issue urgent certified copy as per rules.

(A.K. Mohapatra)
Judge

