

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.38917 of 2021

Nirabati Nayak and others

Petitioners
....
Mr. S. Routray, *Advocate*

-versus-

State of Odisha and another

Opp. Parties
....
Mr. B. Mohanty,
Standing Counsel S & ME.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

06.01.2022

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Video Conferencing/Physical Mode).
2. Heard Mr. S. Routray, learned counsel for the Petitioners and Mr. B. Mohanty, learned Standing Counsel appearing for the School and Mass Education Department.
3. By filing the present writ petition, the petitioners seek for a direction to the Opposite Parties particularly Opposite Party Nos.1 and 2 to consider the candidatures of the Petitioners against the Post of Hindi Teachers, contractual (Untrained) in terms of the judgment dated 15.09.2021 passed by this Court in W.P.C (OAC) No.902 of 2016 (*Satyabrata Nayak and others vrs. State of Odisha and others*) within a reasonable time.
4. Learned counsel for the Petitioners submits that the issue involved in the present writ petition had earlier draws attention of this Court in the above noted case in W.P.C (OAC) No.902 of 2016. This Court after hearing the learned counsel for the parties has decided the issued by elaborate judgment. The operative portion of the said judgment in paragraph-13 is as follows:-

“13. In views of the factual and legal analysis, as discussed above, this Court is of the considered view that the draft reject list, so far as present petitioners are concerned, cannot sustain in the eye of and the same is liable to be quashed and is hereby quashed. The opposite parties are directed to take into consideration the applications filed by the petitioners in the above mentioned writ petitions, allow them to participate in the process of selection, consider their case for engagement as Contract Teacher (Hindi) by re-drawing the select list and extend them all the benefits in accordance with law, as expeditiously as possible, preferably within a period of three months from the date of communication of this judgment.”

5. It is further submitted by learned counsel for the Petitioners that the Petitioners have submitted their representations dated 14.10.2021, 16.10.2021 and 11.11.2021 before the Director, Secondary Education, Odisha, Bhubaneswar-Opposite Party No.2, which are pending for consideration. Learned counsel for the Petitioners submits that if a direction be given to the Opposite Party No.2 to consider the representations of the Petitioners and dispose of the same in the light of judgment in W.P.C (OAC) No.902 of 2016 suffice for the purpose.

6. Learned counsel for the State appearing for the School and Mass Education Department submits that he has no objection, if a direction be given to the Opposite Parties for consideration of the representations submitted by the Petitioners.

7. In such view of the matter, this Court deems fit it proper to dispose of the writ petition without going into the merits of the case

with a direction to the Director, Secondary Education, Odisha, Bhubaneswar-Opposite Party No.2 to dispose of the writ petition within a period of three months from the date of production of certified copy of this order taking into consideration the judgment rendered by this Court in the case of *Satyabrata Nayak and others vrs. State of Odisha and others* (supra). It is needless to mention here that the Opposite Party No.2 shall dispose of the representations submitted by the Petitioners by passing a speaking and reasoned order. The decision taken on the representations of the Petitioners shall be communicated to them within a period of ten days thereafter.

8. With the aforesaid observation, the writ petition is disposed of.

9. Urgent certified copy of this order be granted on proper application.

Jagabandhu

