

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 40444 of 2021

Krishna Chandra Mishra & Ors.

Petitioners

Mr. G. Chaitanya, Advocate

- Versus-

State of Odisha & Ors.

Opp. Parties

Mr. S.Jena,

Standing Counsel for S&ME Dept.

CORAM:

DR. JUSTICE B.R. SARANGI

ORDER

19.01.2022

Order No.
01

This matter is taken up through video conferencing mode.

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

3. For the decision of this Court already taken on 28.09.2021 in W.P.(C) No.23312 of 2020 along with two other writ petitions observing that there is mechanical disposal of the matter through the impugned order, more particularly keeping in view the observation made therein that the decision of the District Education Officer rested on an unavailable Resolution and in non-application of the settled position of law through the decision covering the case of the Petitioner(s) already at hand, further keeping in view the request of the learned Senior Standing Counsel that the Department wants to withdraw the impugned order therein for their own realization that there is not only wrong application of unavailable resolution but there is also no consideration of settled position of law, the impugned order involved herein is permitted to be withdrawn. The observation made and direction issued in W.P.(C) No.23312 of

2020 along with two other writ petitions, since squarely covers the case at hand, are required to be followed.

4. The writ petition succeeds, but as there is requirement for re-consideration of the issues, the matter is remitted to the Commissioner-cum-Secretary, School & Mass Education Department together with the Director of Secondary Education to consider the request of the Petitioner(s) strictly in terms of the direction contained in W.P.(C) No.23312 of 2020 along with two other writ petitions disposed of by this Court on 28.09.2021 and also the decisions referred to therein and by considering all the issues in a common decision.

5. In order to avoid any further delay, learned Standing Counsel for the School & Mass Education Department is directed to communicate this order to the Commissioner-cum-Secretary, School & Mass Education Department and the Director of Secondary Education along with copy of the order dated 28.09.2021 passed in W.P.(C) No.23312 of 2020 for their doing the needful within two months from such communication.

6. The writ petition thus stands disposed of.

7. As the restrictions due to resurgence of COVID-19 situation are continuing, learned counsel for the parties may utilize a printout of the order available in the High Court's website, at par with certified copy, subject to attestation by the concerned advocate, in the manner prescribed vide Court's Notice No.4587, dated 25th March, 2020 as modified by Court's Notice No. 4798 dated 15th April, 2021 and Court's office order circulated vide Memo Nos. 514 and 515 dated 7th January, 2022.



