

IN THE HIGH COURT OF ORISSA AT CUTTACK

WP (C) No.41788 of 2021

Santosh Kumar Sarangi

....

Petitioner

Mr.Krushna Ch. Sahu, Advocate

-versus-

State of Odisha and others

....

Opp.Parties

*Mr. S.N.Mohapatra, Standing Counsel,
S & ME.*

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

21.02.2022

Order No.

02.

I.A.No.998 of 2022 :

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner as well as the learned Standing Counsel for School & Mass Education Department.
3. Perused the records.
4. The Petitioner has a very limited grievance in the present writ application.
5. The case of the Petitioner is that while he was working as a Headmaster at Minagadia U.P.School under Nuagaon Block, a Disciplinary Proceeding was initiated against him. Pending final decision in the Disciplinary Proceeding, the Petitioner was initially placed under suspension. Thereafter he was reinstated in service. The Disciplinary Proceeding initiated against the Petitioner has been terminated by order dated 14.03.2019 whereby the Disciplinary Proceeding against the Petitioner has been dropped by the Disciplinary

Authority.

6. In the present writ application, the Petitioner has challenged a portion of the impugned order dated 14.03.2019 under Annexure-10 to the extent that the period of suspension from 13.09.2017 to 27.04.2018 was to be regularized as leave and due as admissible to him. Aggrieved by such decision of the Disciplinary Authority, the Petitioner has submitted a representation dated 13.09.2020 to the Block Education Officer, Nuagaon indicating therein the grievance of the Petitioner. It is further submitted by the learned counsel for the Petitioner that the representation filed by the Petitioner is pending before the said authority for consideration as of now.

7. Mr.S.N.Mohapatra, learned Standing Counsel for School & Mass Education Department submits that there is no proof whether such a representation has been filed before the Block Education Officer and that the Block Education Officer is not the competent authority to take a decision in the matter. He further submits that the representation should have been made to the District Education Officer, Nayagarh to consider and take a final decision in the matter.

8. Having heard learned counsel for the parties and considering the limited nature of grievance raised by the Petitioner in the present writ application, this Court disposes of the writ application with a direction to the Petitioner to file a fresh representation along with all supporting documents and taking the grounds available in support of his contention within a period of two weeks from today along with certified copy of this order. In the event such a representation is filed, the same shall be considered by the District Education Officer, Nayagarh and be disposed of by a reasoned and speaking order strictly in accordance with law within a period of two months from the date of filing of such application. The decision so taken by the Opposite Party No.3, the District Education Officer, Nayagarh shall be communicated

to the Petitioner within a period of 10 days from the date of taking such decision.

9. It is made clear that this Court has not expressed any opinion on the merits of the csse.

10. With the aforesaid observation the writ petition stands disposed of.

11. Urgent certified copy be granted as per Ruelsd.

RKS

