

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.41999 of 2021

Sudhir Kumar Mishra

.... ***Petitioner***
Mr. K.K. Swain, *Advocate*

-versus-

State of Odisha and others

.... ***Opp. Parties***
Mr. S. Jena,
Standing Counsel for S & ME

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

10.01.2022

Order No.

01.

1. This matter is taken up through Video Conferencing Mode.
2. Heard Mr. K.K. Swain, learned counsel appearing for the Petitioner and Mr. S. Jena, learned Standing Counsel appearing for the School and Mass Education Department.
3. Short grievance of the Petitioner in the present writ petition is that the Petitioner has submitted a representation before the District Education Officer, Bolangir on 22.06.2021 with a prayer to treat him validly appointed Swechhasevi Sikshya Sahayak with effect from 01.12.2003 as he was engaged within the advertised vacancy and as such, he may be treated as regular teacher with effect from 23.01.2010. The said represent has also claimed the benefit of MACP to the interest of Level-V-A to Level-V-B of the elementary cadre by reckoning seniority in the gradation list of Level-V-A teachers w.e.f. 23.01.2010.
4. Learned counsel for the Petitioner draws the attention of this Court that the letter dated 01.09.2016 written by Block Education

Officer, Patnagarh to the District Project Coordinator, SSA, Bolangir wherein it has been clarified that the present Petitioner was engaged as Sikshya Sahayak in the Session 2003-04 in August Phase and he belong to the merit list in unreserved category. It is further clarified that the Petitioner may not be included in the High Court affected Sikshya Sahayak due to misconception on issue of engagement order on the same date i.e. the SSS engaged in Dec.-2003 and Feb-2004.

5. It is submitted by learned counsel for the Petitioner that detail and elaborate filed a representation dated 22.06.2021 is pending for consideration before the District Education Officer, Bolangir- Opposite Party No.5 and a direction may be given to consider the same within a stipulated period of time.

6. Mr. S. Jena, learned Standing Counsel appearing for the School and Mass Education Department submits that he has no objection, if a direction is given to the Opposite party No.5 to consider the representation of the Petitioner dated 22.06.2021 within the stipulated time.

7. Having heard learned counsel for the parties, without entering into the merits of the case, this Court disposes of the writ petition with a direction to the District Education Officer, Bolangir- Opposite Party No.5 to consider the representation dated 22.06.2021 filed by the Petitioner in accordance with law within a period of eight weeks from the date of production of authenticated copy of this order. It is needless to mention here that the Opposite Party No.5 consider and dispose of the representation of the Petitioner by passing a reasoned and speaking order. The decision taken on the same shall be communicated to the Petitioner within a period of ten days thereafter.

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

9. As the restrictions due to resurgence of COVID-19 situation are continuing, learned counsel for the parties may utilize a print out 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, 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.

Jagabandhu

