

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 12503 of 2023

Sandhyarani Bhanja

....

Petitioner

Mr. D.N. Rath, Advocate

-versus-

State of Odisha & Ors.

....

Opposite Parties

Mr. S. Rath, ASC

CORAM:

JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

21.09.2023

Order No

02.

1. This matter is taken up through Hybrid Arrangement (Virtual/Physical) Mode.

1. 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but there is also no consideration of settled position of law, the impugned order involved herein is permitted to be withdrawn.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.

2. The writ petition succeeds, but as there is requirement for reconsideration 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 in today's order and also the decisions referred to therein and by considering all the issues in a common decision.

3. 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.

4. The writ petition thus stands disposed of.

(Biraja Prasanna Satapathy)
Judge

Subrat

Signature Not Verified

Digitally Signed
Signed by: SUBRAT KUMAR BARIK
Reason:
Location: HIGH COURT OF ORISSA, CUTTACK
Date: 28-Sep-2023 12:32:57

