



IN THE HIGH COURT OF ORISSA AT CUTTACK

WP(C) No.9177 of 2026

Mandakini Dei

.....

Petitioner

Represented by Adv. -
Mihir Kanta Rath

-versus-

State Of Odisha & Ors.

.....

Opposite Parties

Represented by Adv. –
Mr. S.K.Parhi, A.S.C.

CORAM:

**THE HON'BLE MR. JUSTICE ADITYA KUMAR
MOHAPATRA**

ORDER

Order No.

25.03.2026

- 03.
1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
 2. Heard learned counsel for the Petitioner as well as learned Additional Standing Counsel for the State-Opposite Parties. Perused the writ application as well as the prayer made therein.
 3. The Petitioner has filed the present writ application with the following prayer:

“It is, therefore, most respectfully prayed that your Lordship may graciously be pleased to admit this writ application and issue Rule NISI to the opp.parties to show cause as to why they shall not be directed to consider the case of the petitioner after verifying the genuineness of the Educational Certificates produced by her and reinstate into her service within a stipulated period and further why a direction shall not be issued to the Block Education Officer, Laxmipur (Opp.party No.5) to consider and dispose of the appeal dated



04.01.2024 which has been remitted by the District Education Officer, Koraput within a stipulated period.

And on their failing to show cause or showing insufficient cause, the said Rule be made absolute by issuing appropriate writ(s);

And pass such further order(s) as may be deemed fit and proper;”

4. Learned counsel for the Petitioner at the outset contended that the Petitioner was initially selected and engaged as Swechha Sevi Sikhya Sahayak at Pipalapadar Primary School on 30.12.2003. On 01.01.2006, the Petitioner was again re-engaged as a Junior Teacher. He further contended that the service of the Petitioner was regularised as an Assistant Teacher Level-V w.e.f. 09.01.2011. While working as such, the Petitioner was served with a memorandum of charge on 16.07.2021. In the pending departmental proceeding, the Petitioner submitted an application for supply of relevant document on 09.08.2021. While this was the position another additional memorandum of charge was served on the Petitioner on 24.08.2021. Finally, the Petitioner filed her written Statement on 07.09.2021.

5. While the matter stood thus, during the pendency of the aforesaid departmental proceeding, the Opposite Party No.5 withheld the salary of the present Petitioner vide order dated 21.09.2021. Thereafter, the Opposite Party did not allow the Petitioner to discharge her duties w.e.f. 05.10.2021. A show cause notice was issued by the Opposite Party No.5 to the Petitioner on 21.10.2021. While this was the position, the Inquiring Officer conducted an inquiry and in the absence of the



Petitioner and recommended major punishment of dismissal from service by virtue of the report dated 31.01.2022.

6. Learned counsel for the Petitioner at this juncture contended that being aggrieved by the inquiry report dated 31.01.2022, the Petitioner earlier approached this Court by filing W.P.(C) No.41789 of 2023, the said writ application was disposed of by a Coordinate Bench of this Court vide order dated 21.12.2023, granting liberty to the Petitioner to approach the Appellate Authority. Pursuant to such order, the Petitioner preferred an appeal before the Opposite Party No.4. He further contended that the Petitioner was once again compelled to approach this Court by filing W.P.(C) No.21247 of 2024 which was disposed of vide order dated 02.09.2024 directing the Opposite Party No.4 to dispose of the appeal within a period of six months. Since the order was not carried out, the Petitioner was compelled to file CONTC No.1261 of 2025 which was disposed of vide order dated 15.05.2025 granting further one month's time to the Opposite Party No.4 to conclude the pending proceeding against the Petitioner. Finally, the Appellate Authority disposed of the appeal vide order dated 20.08.2025 at Annexure-11 to the writ application.

7. Learned counsel for the Petitioner at this juncture contended that the Appellate Authority by virtue of the order dated 20.08.2025 at Annexure-11 disposed of the appeal granting liberty to the Petitioner to approach the Block Education Officer, Laxmipur by filing a detailed representation



with regard to the genuineness of the certificate produced by the Petitioner from the concerned Board/University with a corresponding direction to the Block Education Officer to re-examine the same and take a final decision thereon. Since no final decision has been taken by the B.E.O-Opposite Party No.5, pursuant to the order dated 20.08.2025 passed by the Appellate Authority-Opposite Party No.4, the Petitioner has approached this Court by filing the present writ application.

8. Learned counsel for the State on the other hand contended that although he has no specific instruction in the matter, however, on a perusal of the pleadings made in the writ application, it appears that the dispute with regard to the genuineness of the certificate produced by the Petitioner is still pending before the Opposite Party No.5 for consideration. He further submitted that the Appellate Authority-Opposite Party No.4 vide order dated 20.08.2025 at Annexure-11 has already given a direction to the Opposite Party No.5 to consider the grievance of the Petitioner. He further submitted that in the event no final decision has been taken by the Opposite Party No.5 in the meantime, he will have no objection if this Court directs the Opposite Party No.5 to dispose of the representation of the Petitioner in terms of the order dated 20.08.2025 at Annexure-11 within a stipulated period of time.

9. Considering the submissions made by the learned counsels appearing for the respective parties, on a careful examination of the background facts, further taking note of the order dated



20.08.2025 at Annexure-11, this Court is of the view that since the dispute is pending before the Opposite Party No.5 for final adjudication, the present writ application can very well be disposed of by directing the Opposite Party No.5 to take a final decision as directed by the Opposite Party No.4 vide order dated 20.08.2025 at Annexure-11, after providing an opportunity of hearing to the Petitioner within a period of eight weeks from the date of communication of a copy of today's order. The final decision so taken by the Opposite Party No.4 be communicated to the Petitioner within ten days from the date of taking such decision.

10. With the aforesaid observation, the writ application stands disposed of.

11. Issue urgent certified copy of this order as per Rules.

(A.K. Mohapatra)

Judge