



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 11803 of 2018

Suryamani Giri

... ..

Petitioner

-Versus-

State of Odisha and others

... ..

Opp. Parties

Advocates appeared in this case:

For Petitioner: Mr. Ramdas Achary, Advocate

For Opp. Party: Mr. P.K. Mohanty, ASC (for O.P. Nos.1 and 2)
Mr. K.K. Swain, Advocate along with
Mr. Amartya Mishra, Advocate
(for O.P. No.3)

CORAM:

THE HON'BLE MR. JUSTICE MRUGANKA SEKHAR SAHOO

J U D G M E N T

Decided on : 24th March, 2026

MRUGANKA SEKHAR SAHOO, J.

1. The matter has been listed for hearing under the heading 'For Admission'. Learned counsel for the parties are heard at length.

2. It is submitted by the learned counsel for the petitioner that initially the services of the petitioner in the Junior College was under the Director, Higher Education. Subsequently by Government notification the



administration of junior colleges have been transferred to the Department of School and Mass Education Department. At present the Director, Secondary Education is the authority under whom the opposite party no.3-College/Higher Secondary School functions. Accordingly, he prays for impleading the Director, Secondary Education as opposite party no.4.

Prayer is allowed.

3. The learned counsel for the petitioner is permitted to carry out necessary correction in the cause title of the writ application by adding the Director, Secondary Education, Odisha, Heads of Department Building, Bhubaneswar, Dist.-Khurda as O.P. No.4. Such addition in the cause title shall bear the signature of the learned counsel and shall be countersigned by the Court Master.

4. The writ application has been filed by the petitioner who has stated to have worked in the post of Lecturer in English in Biju Pattnaik Junior College, Ghagarbeda in the district of Mayurbhanj. By filing the writ application the petitioner seeks a direction for releasing block grant amount received by the institution-employer of the petitioner. It is further asserted that the petitioner is entitled for block grant for the period from 21.01.2009 to February, 2011.

5. The petitioner has approached the Court after attaining the age of superannuation. Earlier he had approached this Court by filing W.P.(C) No.22279 of 2017, which was disposed of by order dated 28.03.2018.



6. In response to the writ application, the opposite party no.3-Principal in-charge-cum-Secretary of the Biju Pattnaik Junior College subsequently named as Biju Pattnaik Higher Secondary School, Ghagarbeda, Mayurbhanj has filed counter affidavit.

Copy of the counter affidavit has been served on the learned counsel for the petitioner. Copy of the counter is also served on the learned ASC during course of hearing today.

The petitioner in response to the counter filed by the opposite party no.3 has filed rejoinder, copy of which has been served on the learned counsel for the opposite party no.3 as well as the learned ASC.

7. The learned counsel for the petitioner referring to the prayer made in the writ petition submits that the petitioner has approached this Court post retirement. At this stage, no purpose would be served in keeping the matter pending before this Court in the view of the stand taken by the opposite party no.3 in the counter affidavit, particularly at paragraph-5.4. The said paragraph is reproduced herein:

“5.4 That it is pertinent to mention here that with regard to the assertions made in the writ application that the petitioner retired from service with effect from 30.06.2018 on attaining the age of superannuation is not at all correct rather he has already abandoned his services since November, 2011. Law is well settled by this Hon’ble Court in the case of Orissa Bridge & Construction Corporation Ltd. Vs. Surendra Chandra Das and 2 others reported in 2009 (Supp-II) OLR 797 that unauthorized absence from duty in the beginning may be a misconduct but when absence is for a very long period, it may amount to voluntarily



abandonment of service and in that eventuality the bonds of service come to an end automatically without requiring any order to be passed by the employer. Therefore, as the petitioner has abandoned his services since November, 2011, the question of his retirement from service with effect from 30.06.2018 does not arise at all. Be that as it may since the aforesaid question is not in issue in the present case as in the present case the only prayer made by the petitioner for release of the block grant for the period from 21.01.2009 to February, 2011, the same can only be released in his favour after getting instruction/clarification from the Directorate."

8. It is submitted that for the present the petitioner will be satisfied if the opposite party no.3 shall act upon the instruction/clarification/decision of the opposite party no.4-Director, Secondary Education as has been stated in the counter affidavit in paragraph-5.4 quoted above. The learned counsel for the opposite party no.3 in view of the categorical statement made in the counter does not oppose such submission of the petitioner.

9. The learned ASC in response submits that it has not been stated in the petition or in the counter on behalf of the opposite party no.3 whether any instruction has been sought for from the authority though indicated in paragraph-5.4 of the counter affidavit. It is further submitted by the learned ASC that if any instruction which has been sought for is pending to be considered the same shall be done in accordance with law by the appropriate authority.



10. In view of the above, it is directed that in terms of the averments made in the counter affidavit paragraph-5.4 the opposite party no.3 shall seek direction/instruction/clarification from the Director, Secondary Education (newly added O.P.No.4) by following the official procedure within a period of six weeks from date of production/communication of certified copy of this order by the petitioner.

11. The petitioner shall have the liberty to furnish all such documents which has been annexed to the present writ application as well as copy of the preliminary counter by O.P. No.3 to be submitted before the Director, Secondary Education by the O.P. No.3- Management.

12. If on any earlier occasion the opposite party no.3 has made any communication to the authority regarding claim of the petitioner, copy of the said communication shall also be forwarded to the authority along with communication and documents that is going to be forwarded within six weeks.

13. The Director shall take appropriate decision in the matter in accordance with law as expeditiously as possible after causing all necessary enquiry required to be made for the decision.

14. With the aforesaid direction, the writ application is disposed of.

(Mruganka Sekhar Sahoo)
Judge

Orissa High Court, Cuttack
The 24th March, 2026/Radha