

IN THE HIGH COURT OF ORISSA AT CUTTACK

WA No.392 of 2021

Government of Odisha, represented *Appellants*
through Secretary to Government,
School and Mass Education
Department and others

Mr. D. R. Mohapatra, Standing Counsel for S & ME Department

-versus-

Prasanna Kumar Parida and others *Respondents*

Mr. B. K. Routray, Advocate for Respondent No.1

CORAM:
THE CHIEF JUSTICE
JUSTICE B. P. ROUTRAY

ORDER
02.09.2021

Order No.

WA No.392 of 2021 and I.A. No.984 of 2021

- 03.
1. This Court has heard the submissions of Mr. Mohanty, learned Standing Counsel for the Appellant S & ME Department and Mr. Routray, learned counsel for Respondent No.1.
 2. The reply filed by Respondent No.1 to the application for condonation of delay has also been considered.
 3. This is an appeal by the Government of Odisha-Appellants against the impugned order dated 18th August, 2020 passed by the learned Single Judge in W.P.(C) No.19501 of 2020 filed by Respondent No.1.

4. It is seen that the impugned order was passed at the very first hearing of the writ petition without notice being issued to the present Appellants i.e. Opposite Parties in the writ petition and giving them an opportunity to file a reply to contest the factual averments in the petition.

5. The direction issued in the impugned order to consider the case of Respondent No.1 for regularization, is based on the premise that “after going through the records, it appears that the Petitioner has rendered service for more than 22 years on Ad hoc basis.” This factual position has sought to be contested by the present Appellants. The principal contention is that they were unable to bring to the notice of the learned Single Judge the particular facts concerning Respondent No.1.

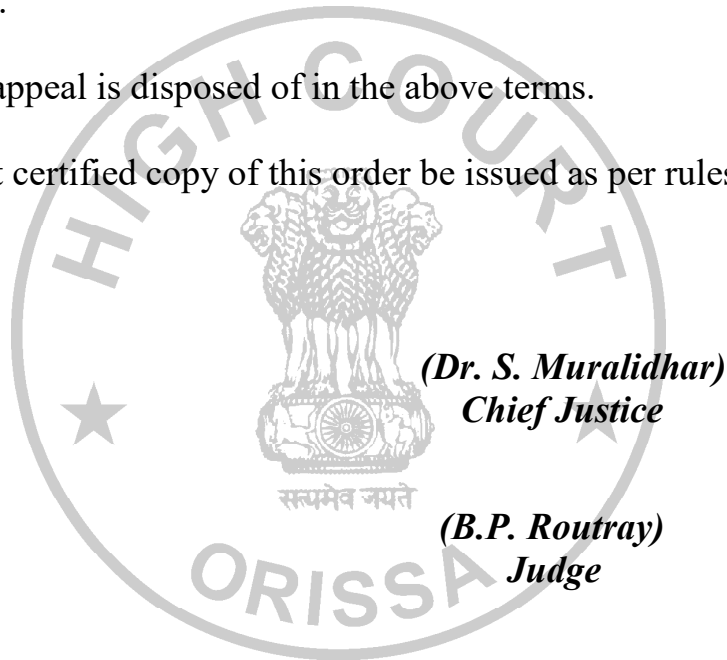
6. Although there is a delay of 222 days in filing the present appeal, considering the a large number of cases where similar orders of learned Single Judge have been set aside by this Court and the matters remanded to the learned Single Judge for hearing of the writ petitions on merits, the Court considers it appropriate to issue the following directions:

- I. The delay in filing the present appeal is condoned. I.A. No.984 of 2021 is allowed;
- II. The impugned order dated 18th August, 2020 of the learned Single Judge in W.P.(C) No.19501 of 2020 is hereby set aside;
- III. W.P.(C) No.19501 of 2020 will now be listed before the learned Single Judge for hearing on 1st November, 2021;

IV. Not later than one week prior to the aforementioned date, the present Appellants will file a para-wise reply to the writ petition with an advance copy to learned counsel for writ Petitioner i.e. Respondent No.1 herein, who will file rejoinder thereto on or before 1st November, 2021. No further time shall be granted by the learned Single Judge for this purpose;

V. Learned Single Judge is requested to endeavour to dispose of the writ petition on merits within a period of four months thereafter.

7. The writ appeal is disposed of in the above terms.
8. An urgent certified copy of this order be issued as per rules.



M. Panda