
(2003) 07 OHC CK 0024
In the Orissa High Court
Case No : Writ Petition (C) No. 5883 of 2003

Tamalamani Mohapatra

APPELLANT

Vs

State of Orissa and Others

RESPONDENT

Date of Decision : 15-07-2003

Acts Referred:

Constitution of India, 1950 — Article 226, 227

Citation : (2003) 2 OLR 179

Hon'ble Judges : P.K. Mohanty, J; P.K. Misra, J

Bench : Division Bench

Advocate : Mahendra Kumar Das and Sidheswar Mallik, for the Appellant;
Additional Standing Counsel, for the Respondent

Judgement

1. Heard learned counsel for the parties.
2. The petitioner asserts to have worked as a Non-Formal Instructor/Supervisor under the Non-Formal Education Scheme which has since been discontinued by the Government and in its place, a new scheme called E.G.S. and A.I.E. scheme has been introduced. Under the new scheme, according to the Government instruction/guidelines, the retrenched, N.F.E. Instructors/Supervisors are to be given preference in appointment/engagement of Education Volunteers (Swachhasevi Sikshya Sahayaks). But it is alleged that instead of following the instructions and giving preference to the petitioner, the opposite party-authorities under the Scheme have proceeded with the appointment/appointed persons of their choice, which is illegal, arbitrary and liable to be quashed. The petitioner appears to have made a representation to the Collector of the District raising such grievances but it is yet to be attend to.
3. In such view of the matter, we feel it appropriate that the Collector should look

into the matter and take an appropriate decision, if necessary,
by issuing notices and hearing the parties. The petitioner shall file a fresh representation along with a certified copy of this order and a copy of this writ petition before the Collector preferably within a fortnight for consideration.

4. The writ petition is thus disposed of with the direction to the opposite party-Collector of the District to consider the representation of the petitioner in accordance with the instructions/ guidelines governing the field after issuing notices to the selected candidate/appointee, if any, and the petitioner and after giving opportunity of hearing, dispose of the same on its own merit by a speaking order within a period of three months from the date, the petitioner files the aforesaid papers. In case, the recommendation of candidates for engagement of volunteers are not yet approved, it shall not be approved until the Collector dispose of this matter in terms of the aforesaid direction of this Court.

5. Urgent certified copy of this order be granted as per rules.