

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.187 of 2022

Santosh Kumar Kar

....

Petitioner

Mr.Sarathi Jyoti Mohanty, Advocate

-versus-

State of Odisha and others

....

Opposite Parties

Mr. S. Jena,

Standing Counsel for S. & M.E. Deptt.

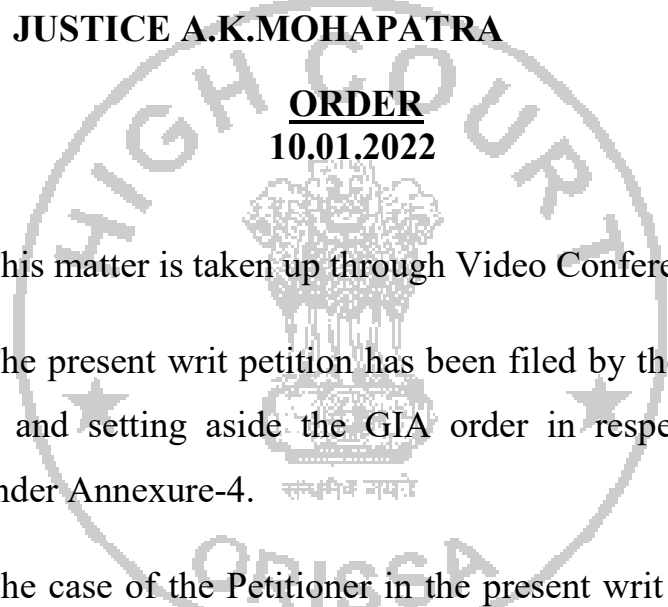
CORAM:

JUSTICE A.K.MOHAPATRA

ORDER

10.01.2022

Order No.

02. 1. This matter is taken up through Video Conferencing mode.
2. The present writ petition has been filed by the Petitioner for quashing and setting aside the GIA order in respect of Rajaram Bibhar under Annexure-4. 
3. The case of the Petitioner in the present writ petition is that he was appointed as a Peon by order No.50 dated 10.07.1999. He joined in the post as Peon in Gram Panchayat High School, Gopaipalli in the district of Bargarh, on 15.07.1999. Similarly, Opposite Party No.7 was appointed as a Peon by Order No.128, dated 10.7.2002, where after, he had joined in duty on 16.08.2002 in the very same school. The School in question, i.e. Gopeipali High School, Bargarh got provisional approval of block grant w.e.f. 22.09.2007 and has been receiving block grant since that date. It is submitted by learned counsel for the Petitioner that although

Petitioner joined in duty prior to Opposite Party No.7, Opposite Party No.7 has been given the benefit of GIA w.e.f. 22.09.2007 whereas the Petitioner who is senior to Opposite Party No.7 is getting the benefit w.e.f. 1.4.2008.

4. Mr. Jena, learned Standing Counsel for School and Mass Education Department submits that the order under Anenxure-4 involves a dispute with regard to payment of grant-in-aid hence the same is covered under Section 24-B of Orissa Education Act. Therefore, he submits that the Petitioner be directed to approach the learned Tribunal under Section 24-B of the said Act.

5. Having heard learned counsel for both the parties, this Court is of the view that the dispute involved in the present case can only be adjudicated by the State Education Tribunal by filing appropriate application under Section 24-B of the Orissa Education Act.

6. In such view of the matter, the Petitioner is directed to approach the Orissa Education Tribunal by filing a properly constituted petition within a period of four weeks from today. In the event such petition is filed, the same shall be considered in accordance with law after hearing the contesting parties and the State Education Tribunal shall make an endeavor to dispose of the matter within a period of four months from the date of presentation of the petition before it.

7. This Court makes it clear that it has not expressed any opinion on the merits of the case.

8. With the aforesaid direction, the writ petition stands disposed of.

9. As the restrictions due to resurgence of COVID -19 situation are continuing, learned counsel for the parties may utilize a print out of the order available in the High Court's website, at par with certified copy, subject to attestation by the concerned Advocate, in the manner prescribed vide Court's Notice No.4587, dated 25th March, 2020, modified by Court's Notice No.4798, dated 15th April, 2021, and Court's Office Order circulated vide Memo Nos.514 and 515 dated 7th January, 2022.

(A.K. Mohapatra)
Judge

U.K.Sahoo

