

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.304 of 2022

Bikram Kumar Jagadev

....

Petitioner

Mr. P.K. Mohapatra, Advocate

-versus-

State of Odisha and others

....

Opposite Parties

Mr. S. Jena,

Standing Counsel S. & M.E.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

12.01.2022

Order No.

01.

1. This matter is taken up through Video Conferencing mode.
2. Heard Mr. P.K. Mohapatra, learned counsel for the Petitioner and Mr. S. Jena, learned Standing Counsel appearing for the School and Mass Education Department.
3. The Petitioner has filed the present writ petition for a direction to the Opposite Parties to consider the case of the Petitioner for grant of similar benefits by antedating promotion and disbursing the arrear salary w.e.f. 19.07.1987 to 31.12.1997 at par with T.G. scale of pay in the light of the benefits granted to similarly situated persons under Annexure-4 within a stipulated period. Learned counsel for the Petitioner submits that Petitioner has filed a representation before the Commissioner-cum-Secretary, School and Mass Education Department, Govt. of Odisha, Opposite Party No.1, which is still pending consideration.
4. Mr. S. Jena, learned Standing Counsel for School and Mass Education Department submits that he will have no objection if a

direction is given to the Authority for consideration of the representation of the Petitioner if there is no other legal impediment.

5. Having heard learned counsel for both the sides, this Court disposes of the writ petition with a direction to the Commissioner-cum-Secretary, School and Mass Education Department, Govt. of Odisha, Opposite Party No.1 to dispose of the representation of the Petitioner dated 29.04.2021 under Annexure-5 within a period of twelve weeks from the date of production of certified copy of this order. In such event, Opposite Party No.1 shall consider the case of the Petitioner in accordance with law and allow the benefits claimed by him, if there is no other legal impediment, by passing a reasoned and speaking order. Decision so taken on the representation of the Petitioner shall be communicated to the Petitioner within ten days of such decision. It is made clear that this Court has not expressed any opinion on the merits of the case.

6. With the above direction, the writ petition stands disposed of.

7. 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

