

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.359 of 2022

Sanjay Kumar Tarai

....

Petitioner

Mr. Banabihari Ray, *Advocate*

-versus-

State of Odisha and others

....

Opp. Parties

Mr. S. Jena,

Standing Counsel for S & ME

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

12.01.2022

Order No.

01.

1. This matter is taken up through Video Conferencing mode.
2. Heard learned counsel for both the parties.
3. The Petitioner, who is a teaching staff of Aided School has filed the present writ petition seeking for a direction to the Opposite Party Nos.1 and 2 to treat the Petitioner at par with the employees of other Aided Education Institutions who was extended with grant in aid in accordance with Grant in Aid Order 1994 and accordingly to extend all benefits as applicable to the Aided Educational Institution within the meaning of Section 3(b) of the Orissa Education Act, such as provided under 1977 Rules Pension Rules, though the same facilities and benefits was given to other institutions which was notified under Section 3(b) of the Orissa Education Act pursuant to the Grant in Aid Order 1994 keeping in view of the ratio decided by this Court in the case of *Ritanjali giri @ Paul vrs. State of Orissa* and others reported in 2016 (I) ILR CUT 1162 and the order passed

in W.P.(C) No.23312 of 2020 and to direct the Opposite Party Nos.1 and 2 for opening of G.P.F. Account within a stipulated period.

4. Learned counsel for the Petitioner further prays for consideration of his case in terms of the judgment pronounced by this Court in the case of ***Ritanjali Giri @ Paul vs. State of Odisha (School & M.E. Deptt.) & Ors, reported in 2016(I) ILR 1162*** and in the case of ***Bindusagar Samantray vs. State of Odisha & Others (W.P.(C) No.27634 of 2020 disposed of on 13.09.2021.)***

5. Learned counsel for the Petitioner placed reliance on another judgment of this Court in the case of ***Prasanta Kumar Mohapatra & others (W.P.(C) No.23312 of 2020 disposed of on 28.09.2021)*** and in the case of ***Sarangadhar Sahoo and others (W.P.(C) No.29342 of 2021)***.

6. Without going into merits of the case at this stage, this Court remits the matter back to the Opposite Party Nos.1 & 2 to consider the representation of the Petitioner dated 25.11.2021 (Annexure-6) in the light of judgments referred to hereinabove.

7. It is needless to mention here that if the Petitioner is covered under the aforesaid judgments and is entitled to any benefit under such Rules, the same be promptly calculated and be paid to him within a stipulated time.

8. Let a certified copy of this order be produced before the Opposite Party Nos. 1 & 2 within a period of two weeks hence and the Opposite Party Nos.1 & 2 shall do well to take a decision in the matter within a period of three months thereafter and the decision so taken be communicated to the Petitioner within a period of two weeks from the date of such decision.

9. It is made clear that the Court has not expressed any opinion on the merits of the case.

10. With the aforesaid observations, the writ petition is disposed of.

11. 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 as modified by Court's Notice No.4798, dated 15th April, 2021 and Office Order dated 7th January, 2022.

Jagabandhu

