

IN THE HIGH COURT OF ORISSA AT CUTTACK

RVWPET No.43 of 2011

Himansu Sekhar Bisoi

....

Petitioner

Mr. P.C. Acharya, Advocate

-versus-

State of Odisha & others

....

Opposite Parties

Mr. Dipti Ranjan Mohapatra, Sr. Standing
Counsel, School & Mass Education Department

CORAM:

THE CHIEF JUSTICE

JUSTICE M. S. RAMAN

ORDER

14.11.2022

Order No.

04.

1. The review sought in the present petition of an order dated 21st February, 2011 passed by this Court declining to entertain the writ petition on the ground that in terms of the judgment of this Court in ***Krishna Chandra Karna v. State of Orissa 79 (1995) C.L.T. 338***, a non-teaching member is not an employee under Rule-8(2)(b) of the 1974 Rules and cannot therefore be promoted as a teaching staff.

2. Learned counsel for the petitioner drew the attention of the Court to the aforementioned judgment, which clarifies that those already promoted as teaching staff prior to the date of the judgment would not be affected. Admittedly, the Petitioner was already promoted as a teaching staff prior to the date of the judgment. This is not disputed by the learned Sr. Standing counsel appearing for the School & Mass Education Department.

3. In that view of the matter, the order dated 21st February, 2011 is hereby recalled and OJC No.16228 of 1998 is restored to file and is now directed to be listed before the Roster Bench for hearing on 31st March, 2023.

4. The RVWPET is disposed of with the above terms.

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

(Dr. S. Muralidhar)
Chief Justice

(M. S. Raman)
Judge

MRS/AKS

