

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No.5852 of 2018

State of Odisha and others

.....

Petitioners

Mr. S. Jena, Standing Counsel S&ME

Vs.

Arati Nayak and others

.....

Opposite Parties

Mr. S.S. Pratap, Adv.

CORAM:

DR. JUSTICE B.R. SARANGI

MR JUSTICE S.K. MISHRA

ORDER

04.07.2022

Order No.

23.

This matter is taken up by hybrid mode.

2. Heard Mr. S. Jena, learned Standing Counsel for the State-Petitioners and Mr. S.S. Pratap, learned Counsel appearing for the Opposite Party No.1.

3. The State and its functionaries have this Writ Petition challenging the order dated 02.07.2014 passed in O.A. No.286 of 2013, by which the State Administrative Tribunal, Bhubaneswar Bench, Bhubaneswar has disposed of the original application directing the Petitioners to regularize the services of Opposite Party No.1 from the date/dates the services of the contractual teachers, who were appointed in the year 2005-06 have been regularized, within a period of three months.

4. Mr. S. Jena, learned Standing Counsel appearing for the State-Petitioners contended that Opposite Party No.1, who was initially working under the Municipal Government High School, Choudwar as a surplus staff and subsequently absorbed in the Government School, now claims for regularization of service and, as such, direction has been given to regularize her services from the date of absorption in contractual employment on completion of

six years. But pursuant to the Office Order dated 12.08.2016 under Annexure-B/1, the service of the petitioner has been regularized and she has been extended with all the benefits. As a consequence thereof, the order of the Tribunal has been complied with.

5. Mr. S.S. Pratap, learned counsel appearing for the Opposite Party No.1 contended that the Order of the Tribunal has not been fully complied with, inasmuch as direction was to regularize services of Opposite Party No.1 from the date/dates the services of the contractual teachers, who were appointed in the year, 2005-06, have been regularized and, as such, the services of those teachers have been regularized w.e.f. 2013, whereas the services of Opposite Party No.1 have been regularized only w.e.f. 2016. Therefore, the contention raised by learned Counsel appearing for the State is not correct.

6. Having heard learned Counsel for the parties and after going through the records, this Court finds that Opposite Party No.1 was working as a teacher in the Urban Local Bodies and she was come over to the administrative control of School and Mass Education Department w.e.f. 28.02.2004. Further, there were non-regular teaching and non-teaching employees engaged on Adhoc/NMR/DLR/Consolidated remuneration basis beyond yardstick and subsequently, they have been adjusted against contractual posts w.e.f. 28.02.2004. There were grievances for regularization of the services and, therefore, the Government have been pleased to absorb 186 numbers of teaching and non-teaching contractual employees of transferred ULB High Schools as per the list at Annexure-A to the Office Order dated 12.08.2016 by way of regularization of their services observing seniority against the

corresponding regular vacant posts available under the respective District Education Officers prospectively, i.e., from the date of issue of the Order.

7. In view of such position, since the services of Opposite Party No.1 was regularized w.e.f. 12.08.2016 and, as such, she was working under the Urban Local Bodies, cannot be claimed that her service should be regularized at par with the employees, whose services were regularized w.e.f. 2013. Therefore, this Court is of the considered view that since the relief sought by the Petitioner has already been granted, there is no question of interference with the order passed by the Tribunal at this stage by this Court.

8. Accordingly, the Writ Petition stands disposed of.

(DR. B.R. SARANGI)
JUDGE

(S.K. MISHRA)
JUDGE

Ashok/PCD

