

**IN THE HIGH COURT OF ORISSA AT CUTTACK**  
**W.P. (C) No.16003 of 2013**

1. *Banamali Patel*
2. *Radhamohan Pandey*
3. *Niranjana Dansena*
4. *Chaturbhuja Sahu*
5. *Duryodhan Patra*
6. *Braja Mohan Behera*

.... **Petitioners**

*Mr. Anirudha Das, Advocate*

*Versus*

1. *State of Odisha*
2. *Collector-cum-Chairman, RTE-SSA, Jharsuguda*
3. *District Project Coordinator, Jharsuguda*

.... **Opp. Parties**

*Mr. S.N. Mohapatra, SC,  
S & ME Department*

**CORAM:**  
**JUSTICE SAVITRI RATHO**

**ORDER**

**24.06.2022**

**Order No.**

07. Heard Mr. Anirudha Das, learned counsel for the petitioners and Mr. S.N. Mohapatra, learned Standing Counsel for School and Mass Education Department through hybrid mode.

2. This writ petition has been filed by the petitioners challenging the order of dis-engagement vide Office Order bearing No.1236/Estt./13 dated 22.06.2013 passed by the opp. party No.3-District Project Coordinator, RTE-SSA Jharsuguda under Annexure-3, wherein it has been mentioned that due to non-approval of fund towards payment of remuneration to the Block Resource Persons for Subject Specific Training engaged under RTE-SSA, Jharsuguda for the year 2013-14 by the Project Approval Board, MHRD, Government of India, the Block Resource Persons for Subject Specific Training under RTE-SSA, Jharsuguda were disengaged from their service with effect from 01.06.2013.

3. Pursuant to advertisement dated 09.12.2011 published by the Collector-cum-Chairman, Sarva Shikshya Abhiyan, Jharsuguda for filling up of various posts of Resource Persons for BRC for Subject Specific Training, the six petitioners submitted applications in the prescribed form and had been issued engagement letter vide Annexure-2 Series dated 22.03.2013.

4. Learned counsel for the petitioners submits that although it has been specifically mentioned in the engagement letters that the engagement is purely temporary and can be terminated at any time without any notice if performance is found unsatisfactory or closure of the RTE-SSA Programme, there is no allegation that their performance was unsatisfactory and since there was no order for closure of the programme, the impugned order of disengagement is illegal and liable for interference. His further submission is that the ground of non-availability of funds is untenable as the same was not mentioned in the engagement orders as a ground for disengagement. His further submission is that if the programme was closed as funds were not sanctioned for Jharsuguda District, instead of disengaging the petitioners, they could have been engaged in any other district.

5. Mr. S.N.Mohapatra, learned Standing Counsel for School and Mass Education Department relying on the counter affidavit filed by opp. party No.3-District Project Coordinator, RTE-SSA, Jharsuguda submits that as the Project Approval Board, MHRD, Govt. of India has not earmarked any fund towards release of salary of these BRPs in the Annual Work Plan and Budget (in short "AWP & B") for the year 2013-14 in respect of Jharsuguda District. This amounts to closure of the Scheme as the petitioners could not have worked without remuneration. Hence, the copy of the AWP & B 2013-14 showing salary of 6RPs at BRC for subject specific training in position for Jharsuguda District has been annexed as Annexure-B/3 to the counter affidavit for which the State Project Director, OPEPA, Bhubaneswar vide letter

No.1153/Estt./13 dated 11.06.2013 of DPC, SSA, Jharsuguda had requested to communicate necessary clarification regarding the date of disengagement of the “Resource Persons for BRC for Subject Specific Training”. After getting approval from the Collector-cum-Chairman, SSA, Jharsuguda, these “Resource Persons for BRC for Subject Specific Training” were disengaged from the post vide order No.1236/Estt./13 dated 22.06.2013 of DPC, SSA, Jharsuguda. His further submission is that since there was no allocation of fund towards payment of remuneration to the Block Resource Persons for Subject Specific Training engaged under RTE-SSA, Jharsuguda for the year 2013-14 for the district of Jharsuguda, the petitioners have been rightly disengaged. So, there was no illegality in the order of disengagement at Annexure-3 as non-sanction of funds amounts to closure of the Scheme.

6. Having heard learned counsel for the petitioners and learned Standing Counsel for School and Mass Education Department and on perusal of the engagement orders as well as the impugned order of disengagement vide Annexure-3, it is clear that due to non-approval of fund towards remuneration of the Block Resource Persons, the impugned order of disengagement has been passed. As it is not the case of the petitioners that they were willing to work without any remuneration, I do not find any merit in the submission of learned counsel for the petitioners that non-approval of fund does not amount to closure of RTD-SSA Programme. The petitioner could not been allowed to continue when no funds were available/sanctioned towards their remuneration.

7. In view of the aforesaid discussions, the writ petition merits no consideration and the same is dismissed. There shall be no order as to costs.

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**Savitri Ratho**  
**Judge**