

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P. (C) No. 2682 of 2022

Bhagirathi Biswal

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Petitioner

Mr. S.B. Biswal, Advocate

- Versus -

State of Odisha & Ors.

.....

Opp. Parties

Mr. S. Jena,

Standing Counsel for S&ME

CORAM:

DR. JUSTICE B.R. SARANGI

ORDER

31.01.2022

Order No.

01

This matter is taken up through video conferencing mode.

2. Heard Mr. Shashibhusan Biswal, learned counsel for the petitioner and Mr. S. Jena, learned Standing Counsel for the School and Mass Education Department.

3. The petitioner has filed this writ petition claiming B.A. C.P.Ed. scale of pay treating it as B.P.Ed. with effect from the date the petitioner acquired requisite qualification and also grant I.A. C.P.Ed. scale of pay with effect from 01.01.2004, instead of 01.01.2008, and give all the financial and consequential service benefits pursuant to the law laid down by this Court in the case of *Niranjan Nayak and another v. State of Orissa and others*, 2003(II) OLR 321.

4. Mr. Shashibhusan Biswal, learned counsel for the petitioner submits that the claim of the petitioner is squarely covered by the judgment of this Court reported in the case of *Niranjan Nayak and*

another v. State of Orissa and others, 2003(II) OLR 321.

5. Considering the contentions raised by the parties, but, however, without expressing any opinion on the merits of the case, this Court disposes of the writ petition directing opposite parties no.2 and 4 to verify as to whether the petitioner has requisite qualification for getting B.A.C.P.Ed. Scale or not. On verification, if the petitioner is found to be entitled to the said scale of pay by applying the ratio decided in *Niranjan Nayak case* (supra), the same shall be allowed in favour of the petitioner and the differential arrear salary shall be calculated and paid to the petitioner, as expeditiously as possible preferably within a period of six months from the date of communication/production of this order.

6. As the restrictions due to resurgence of COVID-19 situation are continuing, learned counsel for the parties may utilize a printout 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 Court's office order circulated vide Memo Nos. 514 and 515 dated 7th January, 2022.

Ashok

(DR. B.R. SARANGI)
JUDGE