

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 14543 of 2016

Samar Das

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Petitioner

*Ms. S. K. Mishra,
Advocate*

Vs.

State of Odisha and Ors.

.....

Opposite parties

State Counsel

CORAM:

DR. JUSTICE B.R. SARANGI

Mr. JUSTICE S. K. MISHRA

ORDER

24.06.2022

Order No.

07.

This matter is taken up through hybrid mode.

2. Heard Mr. Samir Kumar Mishra, learned counsel for the petitioner and Mr. S. Jena, learned Standing counsel for School and Mass Education Department.

3. The petitioner has filed this writ petition seeking to quash the order dated 24.02.2016 passed by the Odisha Administrative Tribunal, Cuttack Bench, Cuttack in O.A. No.1560(C) of 2008 as well as the orders dated 12.02.2004 passed by the opposite party no.1 and dated 18.12.1998 passed by the opposite party no. 3, and issue direction to the opposite parties to appoint the petitioner as a regular primary teacher in any Bengali Medium School and District Inspector of Schools, Khurda with retrospective effect.

4. Learned counsel for the petitioner contended that the petitioner, having qualification of matriculation with Bengali Medium Class-VIII, appeared in the interview on 07.02.1992 for the post of Sikshya Karmi in Bengali Medium Schools of Khurda Education District on being duly sponsored by the Employment Exchange, Khurda along with 22 candidates,

pursuant to the letter dtd. 27.01.1992 of the District Inspector of Schools, Khurda. Even though his name was sponsored and he belonged to SC category, but he was not given engagement as Sikshyakarmi and nine ineligible candidates were given such engagement. Therefore, it is contended that the petitioner should be engaged as Sikshyakarmi and consequentially absorbed as regular teacher.

5. Mr. S. Jena, learned Standing Counsel for School and Mass Education Department contended that the petitioner, having not been appointed as Sikshyakarmi at the relevant point of time, the question of his regularization as Primary School Teacher does not arise. As such, the Tribunal is well justified in passing the order dated 24.02.2016 in rejecting the claim of the petitioner as barred by limitation, which does not warrant interference of this Court.

6. Considering the contentions raised by learned counsel for the parties and after going through the records, it appears that the D.I. of Schools, Bhubaneswar, Khurda, vide letter dated 27.01.1992, made a requisition to the Junior Employment Exchange Officer, Khurda for sponsoring the names of Bengali candidates having qualification of B.A. I.A., HSC, Matric trained and studying Bengali up to matriculation and with Bengali Medium up to Class-VIII to appear in the interview on 07.02.1992 for engagement to the post of Sikhyakarmy in Bengali Medium Schools. Pursuant to such requisition, the Junior Employment Exchange Officer, Khurda sponsored the names of the petitioner and 22 other candidates. The petitioner belonged to S.C. Category and he had the requisite qualification of matriculation and Bengali Medium Class-VII, even he has passed Bengali

Medium Secondary Examination in 1996. Despite requisite qualification, he was not appointed as Sikshyakarmi, though nine numbers of candidates were appointed, who did not possess Bengali Medium certificates by opposite party no. 3.

7. Pursuant to information received under RTI Act, the petitioner came to know that even one candidate having M.E. standard was appointed vide order dated 01.05.1992. Thereafter, he approached the Tribunal by filing O.A. No. 1042(c)/1998, which was disposed of on 08.05.1998 directing the D.I. of Schools, Khurda to take a decision in the case of him within a period of three months. In compliance thereof, opposite party no.3, vide order dated 18.12.1998, rejected his claim. Being aggrieved by the same, the petitioner again approached the Tribunal by filing O.A. No.2360 (C) of 2002, which was also disposed of on 10.12.2002 with a direction to opposite party no.1 to take a decision in the matter keeping in view the report of the D.I. of Schools within a period of three months. Since the matter became delayed, he filed C.P. No.253(C) of 2003 and on receipt of notice, opposite party no.1, vide order dated 12.02.2004, rejected the claim of the petitioner.

8. Being aggrieved by the order dated 12.02.2004, the petitioner approached the Tribunal by filing O.A. No.1560(C) of 2008. The Tribunal, after due adjudication, held that the claim of the petitioner was rejected on 12.02.2004 and he approached the Tribunal in 2008. Therefore, he had not approached the Tribunal well within the time specified, which is grossly barred by limitation as prescribed under the Orissa Administrative Tribunals Act.

9. In that view of the matter, this Court is of the

considered view that the Tribunal is well justified in passing the order dated 24.02.2016 in O.A. No.1560(C) of 2008 both on merits and limitation stating that the petitioner is not entitled to get engagement as Sikshyakarmi nor as regular teacher in Primary School.

10. Therefore, the writ petition merits no consideration and the same is accordingly dismissed.

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(DR. B.R. SARANGI)
JUDGE

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(S. K. MISHRA)
JUDGE

Alok/Ananta

