

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No. 19451 of 2015

Pravat Kumar Swain

.....

Petitioner

Mr. S.N. Biswal, Advocate

Vs.

State of Odisha and others

.....

Opposite parties

*Mr. J. Patnaik, G. A. &
Mr. D.P. Mohapatra, Standing Counsel
for S & ME Department.*

CORAM:

DR. JUSTICE B.R. SARANGI

MISS JUSTICE SAVITRI RATHO

**ORDER
10.03.2022**

Order No.
06.

This matter is taken up through hybrid mode.

2. Heard Mr. S.N. Biswal, learned counsel for the petitioner; Mr. J. Patnaik, learned Government Advocate; and Mr. D.P. Mohapatra, learned Standing Counsel for School & Mass Education Department.
3. The petitioner files this writ petition seeking to quash the order dated 20.07.2013 passed by the Odisha Administrative Tribunal, Bhubaneswar in O.A. No. 1568 of 2017 under Annexure-1, and the order dated 19.07.2007 passed by opposite party no.1 under Annexure-2, and to direct the opposite parties to allow the prayer made in the Original Application with all consequential service and financial benefits within a stipulated period.
4. The factual matrix of the case in hand is that the petitioner while working as Swechhasevi Sikhya Sahayak in Primary School, Gochhaguda under Tumudibandha Block of Baliguda Education

District, approached the tribunal with a prayer to direct the opposite parties to issue appointment in his favour as regular Primary school Teacher with all service and financial benefits since similarly situated persons were appointed as Primary School Teachers. He had also prayed to direct opposite parties 1, 4 and 5 to select him against the vacancies on or before 30.06.1996 for his appointment as regular Primary School Teacher, for which selection was started by the D.I. of Schools, Bahguda on 05.06.1996 as per circular dated 12.03.1996, which was completed under the same old circular dated 12.03.1996 and to declare that the appointment of the petitioner as Swechhasevi Sikhya Sahayak is against the rule of law. It was also prayed before the Tribunal to quash the rejection order dated 19.07.2007 whereby in response to order dated 16.05.2007 passed in O.A. No. 661 of 2007, opposite party no.1 had considered the representation of the petitioner dated 21.01.2004 and rejected his claim on the ground that he was working as Swechhasevi Sikhya Sahayak in Primary School under the D.I. of Schools, Baliguda.

5. It is admitted fact that the petitioner was engaged as Swechhasevi Sikhya Sahayak on 28.04.2003 by the President V.E.C. as per the order of the D.I. of Schools, Baliguda dated 26.04.2003 in view of the Government order dated 08.05.2002. The petitioner had submitted his application along with necessary documents on 24.06.1996 as per the circular dated 12.03.1996 as required by the D.I. of Schools, Baliguda on 05.06.1996 for appointment as regular Primary School Teacher. But after a gap he was engaged as Swechhasevi Sikhya Sahayak on 28.04.2003. As such he discharged his duties as Swechhasevi Sikhya Sahayak under the D.I. of Schools,

Baliguda being appointed vide order dated 28.04.2003 against the available vacancy of Primary School Teacher, which was lying vacant before 30.06.1996. The claim made by the petitioner that he should be given appointment as Primary School Teacher against the vacancy of 1996, which has not been considered by the Tribunal in view of the fact that his name has been de-registered in the live register of the Employment Exchange, for which he was not given appointment as Primary School Teacher at that point of time. Subsequently he was issued with engagement order as a Swechhasevi Sikhya Sahayak, which he accepted and joined without any objection. Once the petitioner was appointed as Swechhasevi Sikhya Sahayak, after completion of four years of continuous satisfactory engagement as such, he will be eligible for appointment as Junior Teacher under Zilla Parishad on contractual basis and the junior teacher after completion of five years of continuous satisfactory engagement as such under the Zilla Parishad, will be eligible for appointment as regular Primary School Teacher under the Zilla Parishad. Since the applicant was engaged in the year 2003, on completion of four years he was engaged as Junior Teacher in the year 2007 and Regular Primary School Teacher in the year 2012. In view of such position the Tribunal considered that once the scheme for engagement of Primary School Teacher has been abolished since long and new scheme for engagement of Sikhya Sahayak has been introduced by the State Government and that the applicant accepting the post of Swechhasevi Sikhya Sahayak joined the service in the year 2003, no direction can be given at this stage for his engagement as Primary School Teacher as against the vacancy of 1996.

6. As the relief sought by the petitioner has been duly considered by the State Education Tribunal and a reasoned order has been passed, this Court is not inclined to interfere with the order passed by the Tribunal.

7. The writ petition is accordingly dismissed.

(DR. B.R. SARANGI)
JUDGE

Arun

(SAVITRI RATHO)
JUDGE

