

IN THE HIGH COURT OF ORISSA AT CUTTACK

WP(C) No.20579 of 2017

1. Bibhuti Prasad Panda

**2. Bashistha Kumar
Pradhan**

3. Miss Kabita Behera

4. Miss Debasmita Panda

5. P. Ramesh Rao

6. P. Murali Krishna

7. Miss Prafulli Chitiki

.... Petitioners

Mr. B. Routray, Senior Advocate

Mr. S.D. Routray, Advocate

-versus-

1. State of Odisha

**2. Orissa Model Tribal
Education Society
(OMTES)**

**3. Director, S.T. & S.C
Development Department
-cum- Member Secretary**

4. Union of India

**5. Government of Odisha
represented through the**

Principal Secretary,

Finance Department

.... Opp. Parties

Mr. R.N. Mishra

Addl. Government Advocate

*Mr. Bigyan Kumar Sharma,
Advocate for opposite party*

no.2

CORAM:

JUSTICE S.K. SAHOO

Order No.

ORDER
06.12.2022

I.A. No.14925 of 2022

04. This matter is taken up through Hybrid arrangement (video conferencing/physical mode).

This is an application for impletion of the parties.

After hearing the learned counsel for the respective parties, Government of Odisha represented through the Principal Secretary, Finance Department, Lokseva Bhawan, Bhubaneswar, district Khurda is arrayed as opposite party no.5.

Since the learned counsel for the State is also representing such party, no further notice need be served on the opposite party no.5.

Accordingly, the I.A. is disposed of.



(S.K. Sahoo)
Judge

I.A. No.14867 of 2022

05. This is an application for deletion of the names of the petitioners nos.2, 3, 4, 5, 6, 7, 8, 10, 12 and 13, namely, GNKV Rao, Mrs. Chinmayee Senapaty, Prakash Kumar Patel, Prabhat Kumar Mohanty, Alok Kumar Badoghar, Surendra Kumar Subudhi, Akshya Kumar Ghadai, Miss Suchishree Panda, Sankar Chandra Mohapatro and Odishi Lokeswar Rao

respectively from the cause title.

Learned counsel for the State as well as the learned counsel for opposite party no.2 has no serious objection.

Considering the averments made in the interim application and on hearing the learned counsel for the respective parties, the prayer is allowed.

The names of the petitioners nos.2, 3, 4, 5, 6, 7, 8, 10, 12 and 13 are deleted from the cause title.

Accordingly, the I.A. is disposed of.

(S.K. Sahoo)
Judge

W.P.(C) No.20579 of 2017

06. Learned counsel for the petitioners has filed the consolidated cause title, which is taken on record.

Heard Mr. Budhadeb Routray, learned Senior Advocate appearing for the petitioners, Mr. R.N. Mishra, learned Additional Government Advocate appearing for the State of Odisha and Mr. Bigyan Kumar Sharma, learned counsel appearing for the opposite party no.2 Orissa Model Tribal Education Society (OMTES).

Prayer has been made in this writ petition to declare the resolution dated 28.06.2017 passed in the 26th meeting of Board of Governors of Odisha Model Tribal Education Society

(OMTES) as invalid and inoperative and for regularization of the services of the petitioners.

It is the case of the petitioners that they are the teaching and non-teaching staff of one of the Ekalavya Model Residential Schools, namely, Ekalavya Model Residential School, Mahasingi in the district of Kandhamal and they are continuing since 2004 and the opposite parties are not regularizing their services against the respective posts, which are created and sanctioned by the competent authority i.e. opposite party no.1. It is further stated that the petitioners being treated as contractual teachers are getting a very meager amount towards their remuneration though the petitioners are all qualified against their respective posts.

Learned counsel for the petitioners submitted that similar matters were filed before this Court in W.P.(C) No.20401 of 2017 and W.P.(C) No.20426 of 2017 and both the matters were analogously heard and disposed of by a common judgment dated 29.09.2022 and this case is squarely covered by the ratio laid down in the said judgment.

The copy of the judgment was handed to the learned Additional Government Advocate for the State and on perusal of the same, he does not dispute such aspect. The learned counsel for the opposite party no.2 also concurs with the submission of the learned counsel for the petitioners.

Taking into account the observation made by this Court in paragraphs-14, 15 and 16 of the judgment, it is ordered that the matter needs to be revisited by the Finance

Department keeping in view the peculiar facts and circumstances as narrated in the writ petition. The writ petition is therefore, disposed of with a direction to the Secretary, Finance Department (opposite party no.5) to consider the proposal of the Administrative Department afresh in terms of the observations made in the judgment passed in the connected writ petitions disposed of on 29.09.2022. Such exercise shall be completed within a period of two months from the date of communication of this order or on production of certified copy thereof by the petitioners.

Issue urgent certified copy as per Rules.



(S.K. Sahoo)
Judge

RKM