

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.3556 of 2013

Sabita Manjari Behera

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Petitioner

*Mr. Sudarsan Behera,
Advocate*

Vs.

State of Orissa & Ors.

.....

Opposite parties
State Counsel

CORAM:

**DR. JUSTICE B.R. SARANGI
MISS JUSTICE SAVITRI RATHO**

ORDER

11.04.2022

Order No.

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This matter is taken up through hybrid mode.

2. Heard Mr. S. Behera, 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 assailing the order dated 19.12.2012 passed in O.A. No.3434 (C) of 2012 and batch, by which the Orissa Administrative Tribunal, Cuttack Bench, Cuttack has denied relief to him for his adjustment as Assistant Teachers w.e.f. 29.09.1995.

4. Mr. S. Behera, learned counsel for the petitioner emphatically submitted that the petitioner was appointed as Hindi Teacher by the erstwhile managing committee, Dhalapathar & Kalapathar M.E. School, but due to abolition of the post of Hindi Teacher, he was terminated from service. The said school was taken over by the Government w.e.f. 01.04.1991. Opposite party no.1 issued a letter dated 29.09.1995 regarding adjustment of Hindi Teachers

appointed by the Managing Committee beyond the yardstick in U.P.(M.E.) Schools as 3rd Teacher or Assistant Teachers in the taken over M.E. Schools either in vacant post of Assistant Teacher or in the post of 3rd Teacher to be created in such schools or in other schools. Vide letter dated 21.05.1996, the Government had directed to adjust 137 nos. of Hindi Teachers in M.E. Schools as per the list as 3rd teacher/Assistant Teachers after proper verification of their original papers character and antecedents. The Government, vide letter dated 17.06.1996, again issued letter to opposite party no.2 for adjustment of 137 nos. of Hindi Teachers in M.E. Schools as 3rd Teachers/Assistant Teachers after proper verification of original papers. The petitioner, vide order dated 06.10.1997 was adjusted against the said post from the date he joined in the school until further orders. Subsequently, vide order dated 16.03.2011, the petitioner was appointed temporarily as Assistant Teacher (Trained Matric) and posted in the UP (ME) school against the existing vacancy under direct control in the Pay Band-1-Rs.5200-20,200+Grade Pay Rs.2200/- with usual admissible D.A. and other allowances with effect from the date he actually joined in the school.

5. Mr. S. Jena, learned Standing Counsel for School and Mass Education Department contended that since the Hindi Teacher Posts were abolished, the Government, as a matter of principle, decided to adjust the Hindi Teachers against 3rd Teacher/Assistant Teacher and, as such, they were temporarily appointed as Assistant teachers vide order dated 16.03.2011. The petitioner, having found surplus as the post was not available, could not be adjusted and subsequently he

approached the tribunal in 2012. Therefore, the tribunal after due adjudication, declined to entertain the O.A., since the G.O. dated 29.09.1995, on the basis of which the petitioner has claimed for his adjustment as Hindi Teacher with effect from 29.09.1995, was withdrawn by the Government vide letter dated 05.09.1998, on the basis of the decision of this Court.

6. In that view of the matter, this Court does not find any error in the common order dated 19.12.2019 passed by the tribunal in O.A. No.3434 (C) of 2012 and batch. Accordingly the writ petition merits no consideration and the same is dismissed.

Alok /Sukanta

