

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC(OAC) No.2105 of 2000

Krishna Chandra Behera ***Petitioner***
Mr. Pratyush Ranjan, Proxy counsel on behalf of
Mr. P.K. Dhal, Advocate
-versus-
State of Odisha and others. ***Opposite Parties***
Mr. P.M. Patjoshi, Standing Counsel,
School & Mass Education Department

**CORAM:
JUSTICE M.S. RAMAN**

ORDER

11.11.2022

Order No.

01. 1. Mr. Pratyush Ranjan, learned Advocate on behalf of Mr. P.K. Dhal, Advocate submits that this case has been filed way back in 2000 and he does not have up-to-date instruction.
2. The learned Administrative Tribunal on 17th July, 2000 has passed the following order:-

“Heard. Taken up on mention. This is the second round of litigation. In compliance to the earlier order of the Tribunal at Annexure-10 the Director, Secondary Education has passed a reasoned order in which it is stated that the applicant was initially a Hindi Teacher belonging to LSES cadre as per GO No.32226/SME dated 2.1.93 and he was promoted to Jr. SES cadre vide Directorate’s order No.31336 dated 1.8.98 and posted as Asst. Teacher in R.N. Vidyapitha, Bhera. The post of Hindi Teacher and Asst. Teacher (B.A.B.Ed) are two separate cadres. The applicant on being encadred as Asst. Teacher ceased to be a Hindi Teacher.

From what is stated in Annexure-11 it would appear that the applicant became a Hindi Teacher in LSES cadre on 2.1.93. But, from Annexure-1 it appears that he was appointed as a Hindi Teacher in a government school in the scale of Rs.255-360/-. This order was issued on 3.7.79. It is not known if the post in LSES used to carry the scale of Rs.255-360/- in 79. The service book of the applicant was

produced for my perusal. From this it is seen that the applicant who was a matric and Hindi Praveen was appointed as a Hindi Teacher in the Government Post Basic School, where he continued till 1982. He left that school sometimes in 1990. From 1.7.90 till 31.8.98 his services have been verified by the Headmaster Radhanath Secondary Training School. There is an endorsement in the service book that he was relieved from Radhanath Bidyapeet to join Choudhury R.N. Bidyapitha, Bhera on 2.9.98 as an Asst. Teacher in the Jr.SES cadre on promotion in pursuance of the Director's order No.13143 dated 24.8.98. The service book also indicates that his services as Asst. Teacher in R.N. Bidyapeeth had been verified by the Headmaster of that school. This endorsement tallies with what is stated in Annexure-11 regarding his promotion to Jr.SES. Learned counsel for the applicant submits that in view of Annexure-8 and 9 issued subsequently in 2000 describing him as a Hindi Teacher he should be treated as such. On this point counter would be necessary. Let the O.A. be admitted and notice issued for hearing and final disposal.

Regarding the interim prayer the applicant wants to continue as Instructor in Hindi Training Institute Cuttack to which institute he had been deputed till he is replaced by a regular employee. He has the necessary qualification for the post. It is also submitted that no regular incumbent has been selected. In case the applicant is not compelled to join as an Asst. Teacher in R.N. Bidyapeeth it may not create any serious administrative inconvenience since there are several graduate teachers of taken over High Schools whose adjustment is posing a problem as the number of sanctioned posts for taken over schools is less than the number of qualified teachers who were then in position and who are agitating for continuance in the respective schools. If the applicant is allowed to continue in Hindi Training Institute the resulting vacancy in R.N. Bidyapeet can be conveniently used by the Director to adjust one such teacher of taken over High School. It is recommended to O.P. No.2 to consider this possibility. For the time being the applicant may be allowed to continue in the Hindi Training Institute till 31.8.2000 and the O.A. be listed before that date. On the next date submissions be made as to why the interim order shall not continue further."

3. The petitioner continued to work by virtue of interim orders passed thereafter. On 19th March, 2001 the learned

Tribunal observing that the interim order had lapsed on 20th November, 2000 and declined to extend the interim order any further.

4. In view of the submission of Mr. Pratyush Ranjan, learned counsel that he has no instruction in the matter, keeping the matter pending any further would serve no fruitful purpose.

5. Accordingly, this writ petition stands dismissed for non-prosecution.

MRS

