

IN THE HIGH COURT OF ORISSA AT CUTTACK

WP(C) No.12807 of 2022

Lakshman Dash

....

Petitioner

Mr. S. K. Mishra, Advocate

-versus-

State of Odisha and others

....

Opposite Parties

Mr. B. Mohanty, SC

CORAM: MR. JUSTICE S.K. PANIGRAHI

ORDER

19.05.2022

Order No.

01. 1. This matter is taken up by hybrid mode.

2. Heard.

3. In this case, the petitioner, who was promoted to the post of Trained Graduate Teacher in Jr. S.E.S. Cadre on 22.10.2005, has sought for a direction from this Court to the opposite parties to accord him retrospective promotion to Jr. S.E.S. cadre against the year-wise vacancies of 1993, as per the order dated 16.09.2016 passed by the learned Orissa Administrative Tribunal, Cuttack in O.A.No.3885(C) of 2012 filed by the similarly placed teachers and the order dated 05.08.2021 passed by this Court in CONTC (CPC) No.214 of 2017. Some of the matters also travelled to the Hon'ble Apex Court arising out of the judgment and order dated 24.02.2021 passed by this Court in CONTC No.1097 of 2018, W.P.(C) No.6443 of 2018 and RVWPET No.219 of 2019. Hon'ble Apex Court though did not pass any positive order, but remitted the matter directing the State Government to consider the matter and pass a reasoned order within a period of four months of receipt of the order.

4. Learned counsel for the petitioner submits that taking into account of the aforesaid orders, the petitioner has filed a representation before the opposite party No.1 on 16.03.2022 vide Annexure-5 with a prayer to extend the same benefits as has been extended to similarly placed teachers of old Govt. High School as per the provision of recruitment Rules 1972 as amended in the year 1993 which is pending for final disposal.

5. However, since the matter is pending before the Government and the Government is yet to take final decision and out of three months two months have already over and one month is left, it will be pre-emptive on the part of this Court to pass any order which will prejudice the outcome of the pending cases.

6. In view of the above facts and submissions, this Writ Petition is disposed of with a direction to opposite party No.1/School and Mass Education Department, Odisha to decide the representation of the petitioner filed on 16.03.2022 vide Annexure-5 in accordance with law within a period of one month from the date of production of certified copy of this order along with a copy of the present Writ Petition along with other Annexures.

7. Issue urgent certified copy of this order as per Rules.

(S.K. Panigrahi)
Judge

pcd