

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 14207 of 2022

***Ramesh Chandra Mahanta and
another*** ***Petitioners***

Mr. Satyajit Samal, Advocate

-versus-

State of Odisha and others ***Opp. Parties***

Mr. Dipti Ranjan Mohapatra,
Standing Counsel,
School & Mass Education

**CORAM:
JUSTICE K.R. MOHAPATRA**

**ORDER
10.06.2022**

Order No.

01. 1. This matter is taken up through hybrid mode.
2. The Petitioners, who are teaching and non-teaching staff of Palanghati High School, Palanghati, Dhenkikote, in the district of Keonjhar, in this writ petition seek to assail the order dated 3rd February, 2021 (Annexure-3) passed by the District Education Officer, Keonjhar-Opposite Party No.3 and further pray for a direction to allow them to avail the benefits, such as, leave benefits under the Odisha Education (Leave of Teachers and other Members of the Staff of Aided Educational Institutions) Rules, 1977, retiral and pensionary benefits under the Odisha Aided Educational Institutions Employees' Retirement Benefit Rules, 1981 as well as G.P.F. benefit under the Odisha Aided Educational Institutions' Employees General Provident Fund Rules, 1983 keeping in mind the ratio decided in the case of ***Ritanjali Giri @ Paul –vs.-State of Odisha (School & Mass Education Department) & others***, reported in 2016(1)ILR CTC 1162.

3. It is submitted by Mr. Samal, learned counsel for the Petitioners that the Petitioners had earlier moved this Court in W.P.(C) No.20246 of 2020, which was disposed of 31st August, 2020 directing the authorities to consider the representation of the Petitioners. That having been rejected vide order under Annexure-3, the Petitioners are constrained to file this writ petition. It is his submission that the case of the Petitioners is squarely covered by the decision in W.P.(C) No.23312 of 2020 and a batch of cases disposed of on 28th September, 2021 and W.P.(C) No.22440 of 2021 disposed of on 28th September, 2021. The authorities have not examined the case of the Petitioners in the light of the ratio as well as observation made in the aforesaid writ petitions. Hence, he prays for a direction to permit the Petitioners to file a fresh representation before the authorities, namely, Commissioner-cum-Secretary to Government, School and Mass Education Department, Odisha, Bhubaneswar-Opposite Party No.1 and seeks for a direction for early disposal of the same in accordance with law keeping in mind the ratio decided in the aforesaid case law.

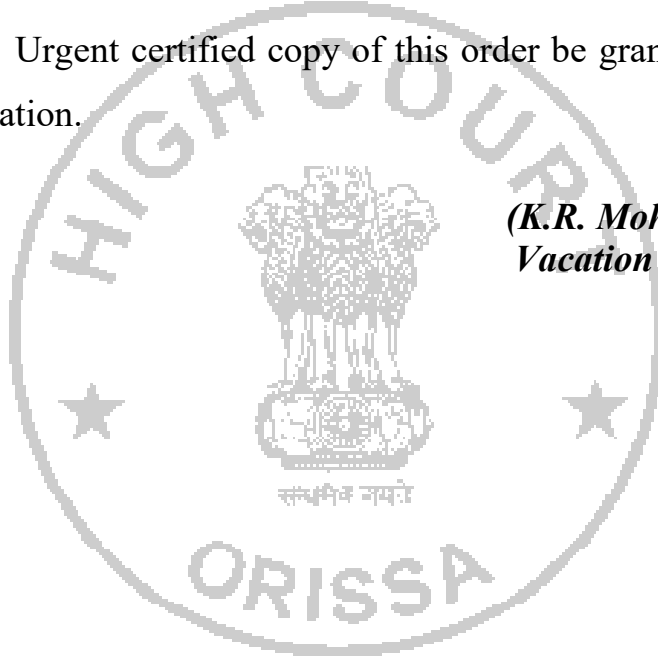
4. Mr.Mohapatra, learned Standing Counsel for the School and Mass Education although does not dispute the factual position, but submits that the case of the Petitioners has to be examined on its own merit in view of the decision in the aforesaid two writ petitions.

5. In view of the above, this Court without delving into the merits of the case, disposes of the writ petition with a direction that in the event the Petitioners make a fresh representation to the Commissioner-cum-Secretary to Government, School &

Mass Education Department, Odisha, Bhubaneswar-Opposite Party No.1 within a period of two weeks hence along with certified copy of this order enclosing the aforesaid two orders passed in W.P.(C) No.23312 of 2020 and W.P.(C) No.22440 of 2021, he shall do well to consider and dispose of the same in accordance with law as expeditiously as possible preferably within a period of two months from the date of filing of such representation keeping in mind the observations and directions made in the aforesaid two writ petitions and communicate the same to the Petitioner.

Urgent certified copy of this order be granted on proper application.

(K.R. Mohapatra)
Vacation Judge



s.s.satapathy