

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 14212 of 2022

Kusumalata Jena and others* *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.

02.

1. This matter is taken up through hybrid mode.
2. The Petitioners, who are teaching and non-teaching staff of Nikirai Girls' High School, Nikirai, in the district of Kendrapara, in this writ petition pray to treat them at par with the employees of other Aided Educational institutions who were extended with Grant-in-Aid in accordance with Grant-in-Aid of 1994 and further pray to extend all benefits as applicable to the Aided Educational Institutions within the meaning of Section 3(b) of the Orissa Education Act, 1969, such as Earned Leaves as prescribed under Rule 9 of 1977 Rules, Extra Ordinary leaves as prescribed under Rule 12 of 1977 Rules as well as study Leaves as prescribed under Rule 13 of 1977 Rules and other benefits as provides under 1977 Rules, Pension Rules, GPF Rules, though the same facilities and benefits were given to the employees of other institutions, which were notified under Section 3(b) of the Orissa Education Act pursuant to the Grant-in-Aid Order, 1994.
3. Learned counsel for the Petitioners have contended that since the Petitioners are working in an Educational Institution

receiving Block grant, in view of the judgment passed in ***Ritanjali Giri @ Paul v. State of Odisha (School & M.E. Deptt.) & others***, 2016 (I) ILR-CUT-1162, wherein this Court has already held that the legal heirs of deceased employees of Educational Institutions receiving Block Grant are entitled to get compassionate appointment, pursuant to which the Government of Odisha in the Department of School & Mass Education has issued a Circular on 1st August, 2019 granting benefit of compassionate appointment to the legal heirs of the deceased employees working in fully aided Educational Institutions and Educational Institutions receiving Grant-in-Aid (New)/Block Grant, therefore, other benefits as claimed in the writ application should be extended to the Petitioners.

4. Mr. Mohapatra, learned Standing Counsel for School and Mass Education Department contended that in view of the law laid down in ***Ritanjali Giri @ Paul (supra)***, although benefit of compassionate appointment to the legal heirs of the deceased employees of Educational Institutions receiving Block Grant has already been extended by the State Government pursuant to Letter/ Circular dated 1st August, 2019, but so far as other claims as made in this writ petition are concerned, the Petitioners are not entitled to get the same, as because the benefit of Grant-in-Aid Order, 1994 was denied by this Court in the case of ***State of Odisha Vrs. Sri Lokanath Behera***, reported in 2018 (II) OLR 932, which has been confirmed by the Hon'ble Supreme Court in Civil Appeal No.7295 of 2019 arising out of SLP(C) No.8343 of 2019, disposed of on 16th September, 2019.

5. Considering the contentions raised by the learned counsel for the parties and after going through the record, this Court is of the considered view that since the benefit of compassionate appointment to the legal heirs of the deceased employees of Educational Institutions receiving Block Grant has already been extended by the authority, vide Circular dated 1st August, 2019, therefore, without expressing any opinion on the merits of the case, the matter is remitted to the authority concerned for consideration with regard to extension of other benefits as claimed in this writ petition taking into account the ratio decided in ***Ritanjali Giri @ Paul (supra)*** and also keeping in mind the observation and consideration of case laws made in disposed of W.P.(C) No.29322 of 2020, within a period of four months from the date of communication of this order. Needless to mention, if it is found that the Petitioners are entitled to get all the benefits, as claimed in this writ petition in consonance with the law laid down in ***Ritanjali Giri @ Paul (supra)***, the same shall be granted within the time stipulated above.

6. The petitioners are directed to supply copy of this order along with copy of the writ petition, copy of the order dated 11th August, 2021 passed in W.P.(C) No.29322 of 2020 and the copy of the order passed in the case of ***Ritanjali Giri @ Paul (supra)***.

7. With the aforesaid direction the writ petition stands disposed of.

Issue urgent certified copy of the order on proper application.