

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.A No.305 of 2016

State of Odisha and others

....

Appellants

Mr.S.R.Mohapatra, Sr.Standing Counsel
For School & Mass Education Department

-versus-

Ramesh Chandra Naik and others

....

Respondents

CORAM:

THE CHIEF JUSTICE

JUSTICE CHITTARANJAN DASH

ORDER

10.10.2022

Order No.

02.

1. The present appeal is directed against two impugned orders dated 26th October, 2015 and 12th January, 2016 passed by the learned Single Judge in the writ petition filed by the contesting Respondents. As far as the 2nd impugned order is concerned, the learned Single Judge simply clarified that the order dated 26th October, 2015 was passed on contest and not on the consent of the parties.

2. As far as the 1st impugned order dated 26th October, 2015 is concerned, it is seen from the order itself that issue concerned regularization of the services of the Respondents. The Respondents had worked continuously from October/November/December, 2003/2005 as SwechaseviSikshyaSahayaks (SSS) and their services were not regularized. Although they were appointed pursuant to an advertisement of 2003, and the number of persons appointed exceeded the posts advertised, the services of the Respondents were never terminated. This is despite the fact that the appointments of certain others who had been appointed along with the Respondents were

quashed by this Court by orders passed in Writ Petition (Civil) No.11748 of 2003.

3. It requires to be noted that in the impugned order is mentioned that the counsel for the Respondents pointed out to the learned Single Judge that their case was covered entirely by the decision dated 30th April, 2015 of the learned Single Judge in Writ petition (Civil) No. 18624 of 2012. This was accepted by the learned Single Judge and consequent relief was granted to the Respondents. The fate of the appeal filed against the said order is not known. Nevertheless, counsel for the Respondents contended that the cases of the Respondents were not covered by the said judgment.

4. Be that as it may, the fact remains that the Respondents continued in service from the time of their initial appointment in 2003. In the circumstances having worked continuously for more than ten years by the time of the impugned order of the learned Single Judge, an order requiring their cases to be considered for regularization was obviously not illegal. The Court is unable to find any error having been committed by the learned Single Judge.

5. The appeal is accordingly dismissed.

(Dr. S. Muralidhar)
Chief Justice

(Chittaranjan Dash)
Judge