

IN THE HIGH COURT OF ORISSA AT CUTTACK
WP(C) No. 15438 of 2022

Santosh Kumar Prusty & Ors. *Petitioners*
Mr. K.K. Swain, Adv.

-versus-

State of Odisha & Ors. *Opposite Parties*
Mr. Debasis Mohapatra, SC

CORAM:
MR. JUSTICE S.K. PANIGRAHI

Order
No.

ORDER
30.06.2022

01. 1. This matter is taken up through hybrid arrangement.
2. Heard
3. The petitioners have filed this Writ Petition with a prayer to direct the opposite parties, more particularly, the Director, Secondary Education, Odisha, Bhubaneswar/Opposite Party No.2 to consider their case of reposting as Senior S.E.S. Headmasters on the basis of their promotion order dated 03.08.2021 under Annexure-1 series in the district of Khordha and Puri at par with other similarly situated Junior S.E.S Teachers who have been promoted to the rank of Senior S.E.S Cadre and their promotion order has been modified vide order

dated 28.02.2022 of the Director, Secondary Education, Odisha, Bhubaneswar under Annexure-8 and they have been reposted as Senior S.E.S. Headmasters in the district of Khordha with all consequential benefits.

4. Learned counsel for the petitioners submits that after due process of selection, the petitioners were appointed as Assistant Teachers against Trained Graduate Posts on 11.02.1992, 01.12.1992 and 03.08.1993 by the erstwhile Managing Committee of their parent School and they also joined on the same dates of their appointment. Their appointments were approved with effect from 07.06.1994 as the schools wherein they were appointed, were taken over by the State Government by virtue of Government Resolution dated 16.12.1994 with effect from 07.06.1994.

5. While the petitioners were continuing as Junior S.E.S. Teachers, they were promoted to the rank of Senior S.E.S. Headmasters on the recommendation of the Departmental Promotion Committee held on 30.07.2021 by virtue of office order No.19999 dated 03.08.2021 and a list was published wherein the petitioners' names find place at Sl.Nos. 81, 92 and 119.

6. It is pertinent to mention that the petitioner No.1 was posted as Senior S.E.S. Headmaster in Sujamaju Upgraded High School in the district of Kandhamal; petitioner No. 2 in Hinjalakuda Upgraded High School in the district of Ganjam and petitioner No.3 in Bolasara Upgraded High School, Kabisuryanagar in the district of Ganjam. But due to their respective personal difficulties, they made three separate representations (Annexure-9 Series) before the concerned authorities to post them as Senior S.E.S. Headmasters in nearby places. The Director of Secondary Education, Odisha in light of the said sought modification, issued a letter dated 04.10.2021 to all the District Education Officers of the State (Except DEO, Malkangiri) including the District Education Officer, Khordha and Puri that if the Teachers of their district, who are under orders of promotion to Senior S.E.S. Cadre but are continuing on leave, will either join in their allotted place of posting or forgo their promotion by 08.10.2021, otherwise disciplinary action as deemed proper, will be taken against them. Under the threat of disciplinary proceedings, the petitioners let go of their promotions. However, similarly situated S.E.S. Teachers

who were also promoted to the rank of Senior S.E.S. Cadre along with the petitioners, did not join in their promotional posts despite the two successive orders of the Director, Secondary Education, Odisha, Bhubaneswar dated 04.10.2021 and 09.12.2021 and remained on leave. But as a matter of fact no disciplinary proceeding was initiated against them. Rather, they were reposted as Senior S.E.S., Headmasters in the district of Nayagarh and Ganjam vide modification of order vide 4A-11-IV-2021 No.5815 dated 28.02.2022 issued by Director of Secondary Education, Odisha, Bhubaneswar.

7. In such view of the matter, the learned counsel for the petitioners submit that the petitioners have filed their respective representations under Annexure-9 Series ventilating their grievances and the same are pending consideration.

8. In view of the above, let the representation under Annexure-9 series be disposed of by the authority, in terms of the order dated 28.02.2022 vide Annexure-8 wherein the case of the similarly situated persons has been decided, within a period of two months hence.

9. Accordingly, the Writ Petition is disposed of.

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

(S.K. Panigrahi)
Judge

LB

