

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) No. 19133 of 2021

Niranjan Patra

....

Petitioner

Mr. S.B. Mohanty, Adv.

-versus-

State of Odisha & Ors.

....

Opp. Parties

*Mr. P.M. Pattajoshi,
SC(for S & ME Deptt.)*

CORAM:
DR. JUSTICE S.K. PANIGRAHI

ORDER
11.10.2022

Order
No.

09. 1.This matter is taken up through hybrid mode.
2. Heard.
3. In this writ petition, the petitioner while working as an Assistant Teacher of a Primary School under the D.I. of Schools, Nilagiri(Now Block Education Officer, Oupada) having B.A., B.Ed qualification pursuant to the Judgment of O.A. No.1443 of 1990 and O.A. No. 742 of 1992 and in view of the Resolution dated 08.01.1996 passed by the Government, he was given promotion to the post of Headmaster of the M.E. School and posted as Tundra M.E. School as passed by the Inspector of Schools, Balasore on 16.08.1996. However, after a period of seven

months the petitioner was reverted back to the post of Assistant Teacher vide order dated 21.03.1997.

4. Learned counsel for the petitioner submits that since the petitioner has been superannuated on 25.05.2011 his post could not be restored back. However, the posts of candidates similarly placed with the present petitioner have been restored back as they were continuing in service. Since the petitioner was reverted back erroneously by the authority and later the said post has been restored back to the similarly placed persons like the petitioner but for his retirement he could not have been reverted back.

5. Hence the petitioner seeks the notional fixation of pay accordingly the revised pension can be extended to the petitioner. Since the petitioner has already retired in Paragraph-8 of impugned order cannot be given effect to.

6. In such view of the matter, the Block Education Officer, Oupada, Balasore to consider the grievance of the petitioner in the light of the fact that similarly placed persons have already been granted benefit as provided in Annexure-8 and accordingly pass a reasoned order and communicate to the petitioner within a period of 30 days from the date of production/presentation of certified copy of this order along with a copy of this Writ Petition.

7. Accordingly, this writ petition is disposed of.
8. Urgent certified copy of this order be granted on proper application.

(Dr. S.K. Panigrahi)
Judge

SD

