

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.A. No. 1020 of 2022

State of Odisha and another ***Appellants***

Mr. Manoj Kumar Khuntia, Additional Government Advocate

-versus-

Kamala Kanta Das and others ***Respondents***

M/s. S. K. Das and associates, Advocates for Respondent No.1
and Mr. Budhadev Routray, Senior Advocate and his associates,
Advocates for Interveners in I.A. No.3124 of 2022 and
Mr. Sukanta Kumar Mishra, Advocate for Interveners

**CORAM:
THE CHIEF JUSTICE
JUSTICE CHITTARANJAN DASH**

Order No.

**ORDER
28.09.2022**

**W.A. No.1020 of 2022 and I.A. No. 3158 of 2022, I.A.
No. 3159 of 2022 and I.A. No. 3160 of 2022**

01. 1. The above three unregistered I.As be registered and numbered.
2. The case of the Writ Petitioner i.e. Respondent No.1 in the present appeal is that being a lecturer in an institution that receives Block Grants, he is not covered under Categories-A and B of the Guidelines issued by the Higher Education Department of the Government of Odisha on 31st August, 2020.
3. The said Guidelines is regarding fixation of seniority of teachers in Non-Government Aided Colleges for the purposes of appointment of Principals and Head of Departments. Category-A, Category-B and Category-G read as under:

“Category-A: Teachers recruited by SSB prior to 1994 and Teachers in receipt of Grant-in-Aid at par with UGC Scale of Pay

Category-B: Teachers in receipt of Grant-in-Aid under GIA order, 1994

Category-G: Teachers recruited by SSB after 2014”

In other words, the Writ Petitioners before the learned Single Judge were not concerned with Categories-A and B or G at all.

4. On the other hand, the interveners in the present writ appeal belong to those categories. Therefore, the concern of both the Appellant before this Court as well as the interveners is that the impugned judgment of the learned Single Judge dated 11th July, 2022 passed in W.P.(C) No.230 of 2022 and batch should be confined to Categories-C to F and will not cover Categories-A, B and G.

5. Considering that the challenge in the W.P.(C) No.230 of 2022 and batch before the learned Single Judge was by persons not belonging to the above Categories-A, B and G, it is obvious that the impugned judgment of the learned Single Judge will not apply to those categories.

6. With this clarification, the writ appeal and the intervention applications are disposed of.

(Dr. S. Muralidhar)
Chief Justice

(Chittaranjan Dash)
Judge