

IN THE HIGH COURT OF ORISSA AT CUTTACK

In WPC (OAC) No.2709 of 2016

Harapriya Patra

....

Petitioner

Mr. S.Das, Adv.

Mr. R.P. Dalai, Adv.

Mr. K. Mohanty, Adv.

Mr. S. Jena, Adv.

Mr. S.K. Samal, Adv. and

Mr. S.P. Nath, Adv.

-versus-

State of Odisha & Ors.

....

Opposite Parties

Mr. Biplaba Mohanty, SC

(for S & ME Deptt.)

CORAM:

DR. JUSTICE S.K. PANIGRAHI

ORDER

25.08.2022

(WPC(OAC) No.2709 of 2016 along with WPC(OAC) Nos. 2706 of 2016, 2707 of 2016, 2708 of 2016, 2710 of 2016, 2711 of 2016 and 2712 of 2016), WPC(OAC) No.2143 of 2014 along with WPC(OAC) No.4504 of 2016, WPC(OAC) No.227 of 2017), WPC(OA) No.845 of 2016, WPC(OA) No.1768 of 2017, (W.P.(C) No.11710 of 2021 along with WPC(OAC) Nos.1317 of 2017, 1318 of 2017, 1319 of 2017, 1320 of 2017 & 2672 of 2017), WPC (OAC) No.1046 of 2009, W.P.(C) No.11713 of 2021 and W.P.(C) No.5573 of 2022.

Order
No.

4. 1. These matters are taken up through hybrid mode.
2. Learned counsel for the parties are present. Judgment prepared in separate sheets is delivered and pronounced

in open Court in the presence of learned counsel for the parties and the order is passed accordingly as follows:-

3. Therefore, this Court is inclined to iterate that the Petitioner has been appointed in the post of Trained Graduate Post since 24.01.1994 and has served more than 28 years as Trained Graduate Teacher against a substantive vacant post. The State Government itself in its Resolution No.4942 dated 28.02.2004 under Clause-7 decided to declare the Non-Regular Teaching and Non-teaching staff as regular Government Servant as on date of takeover i.e. on 28.02.2004. Therefore, when the Government itself has decided to regularise the service of the staffs like the present Petitioner and declare them as Government Servant, no departure from the same will be permissible in the law and it is incumbent on the part of the Opposite Parties to provide regular service benefits as due and admissible to the present Petitioner with effect from the date of her initial joining as Trained Graduate Teacher.

4. In light of the above-mentioned facts and precedents cited hereinabove, the Court is not inclined to allow for the regularization of the service of the Petitioner from 1994. The Opposite Parties are hereby directed to regularize the services of the Petitioner from the date of

Government resolution i.e. 28.02.2004 and extend the benefits for the same.

5. Accordingly, all the Writ Petitions are disposed of.

(Dr. S.K. Panigrahi)
Judge

B.Jhankar

