

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.C(OA) No.3300 of 2015

Rajendra Kumar Pradhan

....

Petitioner

-versus-

State of Odisha & Others

....

Opposite Parties

COROM:

JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

08.07.2022

Order No

- 1.** This matter is taken up through Hybrid Mode.
- 2.** Heard Mr. A.K.Apat, learned counsel for Petitioner and Mr. Prusty, learned Standing Counsel for the State-Opposite Parties.
- 3.** Counter Affidavit filed by the Department was produced before this Court and the same be kept on record.
- 4.** The Petitioner is aggrieved by the communication issued by the Director, Elementary Education, Odisha, Bhubaneswar under Annexure-3, wherein the D.E.O, Samabalpur has directed to withdraw the benefit of ACP/RACP extended in favour of the Primary School Teachers who are appointed during the incumbency of late K.C.Guru, Ex-Inspector of School, Sambalpur.
- 5.** But it is submitted that in the meantime most of the teachers similarly situated have been regularized and they have been extended with the benefit.
- 6.** Mr. Prusty, on the other hand submitted that the impugned communication was issued basing on some directions issued by the learned Tribunal on 10.03.2000 in O.A. No.2583

(C)/ 1999. However, it is submitted that the said order is a provisional one.

7. Be that as it may, since most of the teachers appointed during the incumbency of late K.C.Guru have been regularized and similarly situated teachers have been extended with the benefit of ACP / RACP, this Writ Petition is disposed of by permitting the Petitioner to make individual representations before the Opposite Party No.3- District Education Officer, Deogarh.

8. It is observed that if any such application is moved with a period of four weeks from today individually, the said Opposite Party No.3 shall take a lawful decision on the same within a further period of three months.

9. It is however observed that while taking such a decision, the said Opposite Party shall take into consideration the stand taken by the learned counsel for the Petitioner that similarly situated teachers have not only been regularized but also they have extended with the benefit.

10. With the aforesaid observations and directions, the Writ Petition stands disposed of.

(Biraja Prasanna Satapathy)
Judge

Subrat