

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.C. (OAC) No.1205 of 2016

Diptirekha Panda

....

Petitioner

Mr. Debasis Sahu, Proxy Counsel
on behalf of Mr. Sidheswar Mallick, Advocate
-versus-

State of Orissa & Others

....

Opposite Parties

Mr. R. N. Acharya, Standing Counsel for
School and Mass Education

CORAM:

JUSTICE M.S. RAMAN

ORDER

29.08.2022

Order No.

05.

1. This matter is taken up through virtual/physical mode.
2. The Original Application No.1205 (C) of 2016 was filed before the Odisha Administrative Tribunal, Cuttack Bench, Cuttack. After its abolition, the same has been transferred to this Court which is renumbered as WPC (OAC) No. 1205 of 2016.
3. The Petitioner has filed a Writ Petition alleging inaction on the part of Opposite Party No.1 in not allowing her the Trained Graduate Scale of Pay in terms of Government Resolution bearing no.26771 dated 25.10.2012. A counter affidavit has been filed on behalf of Opposite Party No.3-District Education Officer and paragraphs 3 & 4 of the said counter are quoted as under:

“3. That, while the applicant was continuing against the T.M. post and after finalization of common gradation of L.S.ES teacher between the Govt. High School with taken over High Schools the applicant was promoted to the post of T.G.T, Jr. S.ES cadre and as such became T.G. Tr. W.e.f. 21.06.06 and now continuing at Ranihat High School, Cuttack without passing any rhyme of objection.

4. That, it is humbly submitted that while the matter was stood thus the State Govt. with a larger thought and anticipating with an equity, proposed for allowing of T.G. scale of pay to L.S.E.S. teacher of Govt. High School having B.Ed. qualification. Accordingly the state Govt. seek financial implication to be calculated for the said purpose for which direction was issued to furnish the proposal with financial involvement. So as the applicant has already availed the T.G.T. scale from the year 2006 and prior to that she was acquired the B.Ed. qualification, the Headmaster of the school submitted the financial statement in her favour which does not means that she has already allowed the T.G.T. Scale from the date of passing B.Ed. That was only a proposal which would be decided in a larger forum keeping in the financial resources of state affairs. Hence the prayer of the applicant in this regard is an absolute thought which cannot not be achieved forcibly rather being a Govt. servant she should be abide by the rules.

4. At the time of hearing, Mr. Debasis Sahoo, Proxy Counsel on behalf of Mr. S. Mallick, Advocate for the Petitioner submitted that he has no instructions in this matter.

5. In view of such submission, the Writ Petition is disposed of with liberty to revive the petition within a period of 90 days in the event cause of action still subsists.

(M.S. Raman)
Judge

Sipun