

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.C. (OAC) No.4201 of 2016

Kali Charan Hansda

....

Petitioner

Mr. Ram Prasad Dalai, Advocate

-versus-

State of Odisha and others

....

Opposite Parties

Mr. R.N. Acharya,

Standing Counsel for the School & Mass Education

CORAM:

JUSTICE M.S. RAMAN

ORDER

16.08.2022

Order No.

01.

1. This matter is taken up through virtual/physical mode.
2. The Original Application No.4201 (C) of 2016 was filed before the State Administrative Tribunal, Cuttack Bench, Cuttack. After its abolition, the same has been transferred to this Court which is renumbered as WPC (OAC) No. 4201 of 2016.
3. The Petitioner having offered his candidature pursuant to advertisement for recruitment to the post of Contract Teacher (TGT, Arts) in the Government Secondary Schools having requisite qualification was duly selected. Accordingly, agreement has been executed with the competent authority and the Petitioner was engaged as Contract Teacher. The claim of the Petitioner in this writ petition is that after being issued engagement order vide no.6144 dated 11th June, 2015, he continued for around five months. Thereafter, he was denied to attend the school on the ground of “no prescribed qualification”.

4. Though the Tribunal issued notice vide order dated 2nd December, 2016 calling for filing counter, the Opposite Parties have not yet filed any counter.

5. Mr. Ram Prasad Dalai, learned counsel for the Petitioner submitted that contractual teachers have been denied in the similar fashion by the Government, which was challenged before the Odisha Administrative Tribunal in O.A. No.2954 (C) of 2015 in the case of ***Ranjita Samal –v- State of Odisha, etc. etc.*** The Odisha Administrative Tribunal vide order dated 7th March, 2017 while allowing the claim of the Petitioners therein, passed the following order:-

“xxx xxx xxx xxx

18. Accordingly, the O.As. are disposed of and the State-respondents are directed to consider the case of each of the applicants and their candidature should not be rejected merely on the ground that they have acquired ‘Shastri’ qualification from Jagannath Sanskrit Viswavidyalaya which is equivalent to B.A/B.Com as per the qualification prescribed under Clause-3(a) of the advertisement. The orders cancelling the appointment of candidates, issued earlier as discussed above are quashed and orders be issued directing these candidates to join in the schools, to which they were posted earlier or in some other school, for which fresh posting orders be issued. In respect of the candidates to whom no appointment orders have been issued, though they are otherwise found eligible and suitable; such appointment orders be issued, keeping in view their position in the select list and if necessary the select list be revised accordingly. It is made clear that as none of the appointed candidates have been impleaded as party, in the event any of such candidates do not find a berth in the revised select list, their services should not be terminated but the candidates now to be appointed should be accommodated against vacancies occurred subsequently which arrangement should be made as one time measure to avoid further litigation and complicity. Further those newly appointed candidates will be eligible to financial benefits only on notional basis till the date of their actual joining and discharging duty of the post.”

He further submitted that the writ petition has been preferred against the said order by the State, which was

affirmed by this Court in the case of W.P.(C) No.3132 of 2018 vide order dated 20th June, 2018. He further prayed for liberty for the Petitioner to approach the competent authority for extending consequential pecuniary benefits.

6. At the time of hearing, it is submitted at the bar that the Petitioner herein has already got the relief, as prayed for in terms of the aforesaid orders. Accordingly, Mr. Dalai, learned counsel for the Petitioner submits that the matter has been rendered infructuous.

8. In view of said submission, the writ petition is disposed of as infructuous. However, liberty is granted to the Petitioner to approach the competent authority, as prayed for.

Issue urgent certified copy as per rules.

(M.S. Raman)
Judge

Jyostna

