

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC(OA) No.186 of 2012

Nilamani Panda

.... Petitioner
Mr.B.R.Prusty, Advocate

-versus-

State of Odisha and others

.... Opp.Parties
Mr.P.C.Dash, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

24.02.2022

Order No.

01.

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. None appears on behalf of the Petitioner when the matter is called. Heard Mr.P.C.Das, learned Additional Standing Counsel for the State.
3. The present application has been filed by the Petitioner with a prayer to give notional promotion to the post of Headmaster from the date of his juniors promoted which is similar to O.A.No.1345 of 2008 without any financial benefit. He further prays that promotion may be counted from the date of his retirement to get financial benefit.
4. The fact of the case in brief, is that the Petitioner was appointed as Assistant Teacher on 09.12.1972 and joined in service on 16.12.1972. In the year 1991 he has completed the B.Ed qualification. The seniority list of Trained Graduate Primary Teacher was published in respect of Keonjhar Education circle in which the name of the Petitioner has been placed at sl.no.49. It is further alleged that the persons, who were junior to the Petitioner have already been promoted

to the post of Headmaster, but the case of the Petitioner has not been considered for which the Petitioner had submitted representation on 18.11.2010 to the Inspector of Schools, Keonjhar to consider the case of the Petitioner for promotion to the post of Headmaster, UGME School or S.I. of Schools. It is further submitted that the said representation has not been considered as of now, whereafter the Petitioner approached the learned Orissa Administrative Tribunal by filing O.A.No.391 of 2011 which was disposed of on 21.10.2011 with a direction to the D.I. of Schools, Anandapur to consider the case of the Petitioner. Thereafter the D.I. of Schools vide its order dated 13.12.2011 rejected the claim of the Petitioner. It is further stated in the Petition that the Petitioner has retired from service on attaining the age of superannuation with effect from 31.10.2011.

5. On perusal of the counter affidavit filed by the State, it is seen that in Paragraph-13 of the counter affidavit, the Opposite Party No.3 has submitted that steps are being taken for promotion of Level-V Assistant Teacher to Level IV Headmasters to Level III Headmasters and it is expected that the process of promotion will be completed within a period of two to three months. After a final decision was taken by this Court on a review petition filed challenging the order passed by this Court in W.P.(C) No.11765 of 2010.

6. Mr.P.C.Das, learned counsel for the State submits that with passage of time the prayer of the Petitioner must have been considered by the authority in the light of the judgment of this Court. He further submits that he has no objection, if a direction is given to the authorities to consider the claim of the Petitioner as stated by him in his representation dated 18.11.2010 within a stipulated period of time in accordance with law.

7. In such view of the matter, the present writ application is disposed of with a direction to the District Education Officer, Keonjhar to consider the representation dated 18.11.2010 and the grievance of

the Petitioner as stated therein within a period of three months from the date of production of certified copy of this order. It is needless to mention here that the District Education Officer shall consider the representation of the Petitioner strictly in accordance with law and the judgment governing the field and shall dispose of the same by passing a speaking and reasoned order and in the event it is found that the Petitioner is entitled to some financial benefit, the same shall be paid within a period of one month after taking a decision in the matter. It is further made clear that in the event it is found that the grievance of the Petitioner has already been redressed then the authority are not bound to carry out the order of this Court.

8. With the aforesaid observation the writ application stands disposed of.

RKS

