

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P. (C) No. 29475 of 2022

Kalpana Mishra

....

Petitioner

Mr. R. Samal, Advocate

-Versus -

State of Odisha and others

....

Opposite Parties

Standing Counsel S&ME

CORAM:

DR. JUSTICE B.R. SARANGI

ORDER

10.11.2022

Order No.

01

This matter is taken up through hybrid mode.

2. Heard Mr. R. Samal, learned counsel for the petitioner and Mr. B. Mohanty, learned Standing Counsel for School and Mass Education Department.

3. The petitioner has filed this writ petition seeking direction to the opposite parties to take immediate steps to disburse the differential arrear salary as well as current monthly salary in Trained Graduate Scale of pay from the date of attaining the age of 48 years on the basis of School and Mass Education Department Resolution dated 18.02.2008 and letter No.6259 dated 16.04.2010 as well as letter No.1772 dated 11.01.2011 of Director, Secondary Education, Odisha and rules framed thereunder, within a stipulated period.

4. Mr. R. Samal, learned counsel for the petitioner contended that similar question has already been adjudicated by the learned Single Judge in ***Radharani Samal vrs. State of Orissa***, 2017(I) ILR-CUT-546, which has been affirmed by the Division Bench of this Court by dismissing Writ Appeal No.176 of 2017 preferred by the State, vide order dated 30.04.2019. Therefore, the case of the

petitioner is squarely covered by the judgment passed by this Court in ***Radharani Samal*** (supra).

5. Learned Standing Counsel for School and Mass Education Department admits the contentions raised by the learned counsel for the petitioner. He contended that direction may be issued to consider the case of the petitioner in the light of judgment passed by this Court in ***Radharani Samal*** (supra), which has been affirmed by the Division Bench of this Court, vide order dated 30.04.2019, by dismissing Writ Appeal No.176 of 2017 preferred by the State.

6. Considering the contentions raised by learned counsel for the parties and after going through the records, this Court disposes of the writ petition directing the opposite parties to consider the case of the petitioner in the light of the ratio decided by this Court in ***Radharani Samal*** (supra), as expeditiously as possible, preferably within a period of four months from the date of production of certified copy of this order.

Issue urgent certified copy as per Rules.

Ashok

(Dr. B.R. Sarangi)
Judge