

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC(OAPPC) No.169 of 2014

Kshyamanidhi Mishra & another* *Petitioners

Mr. Jagdish Biswal, proxy counsel on behalf of Mr.
R.P. Dalai, Advocate

-versus-

State of Odisha and others.* *Opposite Parties

Mr. Nilambar Jena, Standing Counsel for School &
Mass Education Department

**CORAM:
JUSTICE M.S. RAMAN**

ORDER

02.12.2022

Order No.

09.

1. Petitioner No.1, who got retired as Assistant Teacher and Petitioner No.2, who got retired as Headmaster of Mukunda M.E. School, Deogarh by way of joint petition, approached the Odisha Administrative Tribunal in O.A. No.169 of 2014 questioning the action of the Opposite Parties in taking a decision to transfer the administrative activities of the School run by the urban local bodies to School & Mass Education Department pursuant to the Resolution dated 5th July, 2014 instead of 28th February, 2004.

2. It is claimed by the Petitioners that due to laches on the part of the Authorities in taking over Mukunda M.E. School, where the Petitioners were serving, they were not extended benefit that was being enjoyed by other taken over Schools by the Government.

3. Mr. Jagdish Biswal, learned proxy counsel on behalf of Mr. R.P. Dalai, learned counsel appearing for the petitioners placing reliance on a judgment of this Court dated 25th August, 2022 in WPC (OAC) No.2709 of 2016 (*Harapriya Patra vrs. State of Odisha and others*), submitted that the present matter is squarely covered by the terms of the said judgment.

4. Mr. Nilambar Jena, learned Standing Counsel appearing for the School & Mass Education Department after examining the context of the present case with that of the above judgment in *Harapriya Patra's* case (supra), submitted that the claim of the petitioners is identical.

5. In view of such submission, the writ petition is allowed in the same terms as is held in the judgment of *Harapriya Patra's* case (supra).

6. At this stage, Mr. Jagdish Biswal, learned proxy counsel on behalf of Mr. R.P. Dalai, learned counsel appearing for the petitioners prays for a direction to the Opposite parties for extension of the consequential benefits emanating from the aforesaid judgment. It is open to the petitioners to approach the competent authority by way of proper representation which shall be considered within a period of three months from the production of the certified copy of this order.

7. With the above observation and direction, the writ petition is disposed of.

(*M.S. Raman*)
Judge