

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC (OAC) No. 801 of 2013

Saroj Kumar Swain

....

Petitioner

Mr. S.K. Jee, Advocate

-Versus -

State of Odisha and Ors.

....

Opp. Parties

*Mr. B. Prusty,
Standing Counsel S&ME*

CORAM:

DR. JUSTICE B.R. SARANGI

ORDER

23.02.2022

Order No.
01

This matter is taken up through hybrid mode.

2. Heard Mr. S.K. Jee, learned counsel for the petitioner and Mr. Prusty, learned Standing Counsel for School & Mass Education Department.

3. The petitioner has filed this writ petition seeking to quash the impugned order dated 17.01.2013 under Annexure-7, and to issue direction to the opposite parties to approve his appointment against the sectional post of Class-VII from the date of his appointment and to sanction and disburse all consequential service and financial benefits.

4. Mr. S.K. Jee, learned counsel for the petitioner contended that although the petitioner was appointed as Additional Teacher, but his post was not approved.

5. Mr. B. Prusty, learned Standing Counsel for School &

Mass Education Department contended that since the petitioner was appointed by the Managing Committee of the school itself, in view of the judgment of this Court in ***State of Orissa and Ors. v. Nabin Kumar Beura***, 2011 (I) OLR 149, the benefit sought cannot be admissible to the petitioner and, thereby, the writ petition is to be dismissed.

6. Having heard learned counsel for the parties and after going through the records, it appears that the petitioner was appointed as an Additional Teacher by the managing committee of the school in question. Similar question had come up for consideration in ***Nabin Kumar Beura*** (supra), wherein this Court held that the requisite criteria of obtaining prior approval if not fulfilled, any appointment made by the Managing Committee is illegal in the eye of law. In view of such position, since no prior permission was obtained, so far as petitioner's appointment is concerned, this Court is not inclined to entertain this writ petition.

7. For the above reasons, the writ petition merits no consideration and the same is accordingly dismissed.

(Dr. B.R. Sarangi)
Judge

Ashok