

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC (OAC) No. 196 of 2013

Bibhuti Bhusan Jena

...

Petitioner

Mr. L.K. Mohanty, Advocate

- Versus -

State of Odisha

...

Opposite Party

Mr. R.N. Acharya,

Standing Counsel for S & ME, Department

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

16.03.2022

Order No.

4.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned Standing Counsel for School and Mass Education Department.
3. The petitioner has filed the present application challenging the decision of the authorities in refusing the scale of pay to him from the date he acquired common qualification from 15.12.1997, even though similar benefit has been allowed to all trained graduate teachers from the date of possessing higher qualification in Hindi. The petitioner further prays to direct the opposite party authorities to grant identical benefit of trained graduate status and trained graduate scale to him notionally from the date of possessing the higher qualification as per Govt. resolution dated 18.02.2008 and to extend the financial benefit w.e.f. 01.01.2006 pursuant to the resolution dated 12.05.2009.
4. It appears that ventilating his grievance, the petitioner had submitted representations to the Commissioner-cum-Secretary,

Department of School and Mass Education (opposite party no.1) on 23.09.2010 and 20.11.2010 enclosed as Annexure-8 to the writ application. The said representation has apparently not yet been disposed of. It is for the concerned authority to first take a decision on the grievance of the petitioner. Therefore, without entering into the controversy, this Court deems it proper to dispose of the writ application by directing the opposite party no.1 to treat the writ petition as a fresh representation of the petitioner and dispose of the same in accordance with law within a period of two months from the date of production of certified copy of this order along with copy of the writ petition with all its annexures. The opposite party no.1 shall also grant an opportunity of hearing to the petitioner before disposing the representation.

5. Issue urgent certified copy as per rules.

(Sashikanta Mishra)
Judge

A.K. Rana

