

IN THE HIGH COURT OF ORISSA AT CUTTACK
CONTC(CPC) No. 430 of 2013

Bidyadhar Bhoi & Others

....

Petitioners
None

-versus-

State of Odisha & Another

....

Opposite Parties
Mr. R.N. Acharaya, Standing
Counsel for S & ME

CORAM:
JUSTICE M.S. RAMAN

ORDER

18.10.2022

Order No.

- 01.**
1. The Original Application No. 430 of 2013 was filed before the State Administrative Tribunal, Cuttack Bench, Cuttack. After its abolition, the same has been transferred to this Court which is renumbered as CONTC(CPC) No. 430 of 2013.
 2. This contempt petition has been filed alleging the violation of order dated 14th December, 2010 passed in OA No. 4183(C) of 2010.
 3. *Vide* order dated 14th December, 2010, learned Odisha Administrative Tribunal, Cuttack has passed the following order:-

“Heard both sides. Since the applicants are similarly placed and claim the same relief, the joint applications are entertained as provided under Rule-4(4) (a) of the O.A.T. (P) Rules, P. Ps. Are disposed of.

Learned counsel for the applicants seeks to impugn provisions of the Elementary Cadre Rules, 1997 submitted that those are contrary to the Right of Children to Free and Compulsory Education Act, 2009, as per which the minimum qualification prescribed for teachers of the Upper Primary School level is B.A./B.Sc. with two years Diploma in Elementary Education or B.A. / B. Sc. with at least 50% marks with B.Ed., and such Bachelor in education equivalent qualifications have been prescribed for all similar cases whereas in the 1997 Elementary Cadre Rules no such clause was included. In addition, he submits that clause-VIII has been included in Upper Primary School Level as per the Right of Children to Free and Compulsory Education Act, 2000, whereas in the existing Orissa Elementary Education Rules, 1997, Upper Primary Schools, have classes from Class-V to VII only.

Heard learned Standing Counsel for S & M.E.

Admit. Issue notice to the respondents to file counter within four weeks and two weeks thereafter to the applicants to file rejoinder, if any.

As regards prays for interim order, any promotion made from Level-IV to Level-III shall abide by the outcome of this O.A. and adequate number of posts in Level-III meant for candidates under Rule 11(2) (1) 1997 Rules, belonging to the Education district to which the applicants belong shall be kept vacant till filing of the counter and its adjudication.

List this Case on 28.1.2011.

Notices along with these orders be issued to the respondents at the cost of the applicants.”

4. Office report suggests that the contempt petition arises from above order dated 14th December, 2010 passed in WPC(OAC) No. 4183 of 2010, and said writ petition itself has been disposed of on 8th February, 2022. The said order is extracted hereunder:-

“2. It is submitted that the matter has become infructuous in the meantime as Government has

effected necessary amendment to the Orissa Elementary Education Rules, 2014. The Writ Petition is therefore, disposed of as infructuous.”

5. In view of disposal of WPC (OAC) No. 4183 of 2010 by this Court on 8th February, 2010, the contempt petition has been rendered infructuous. Hence, the contempt petition is dismissed.

(M.S. Raman)
Judge

Laxmikant

