

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC (OAC) No. 3196 of 2011

Trilochan Pati

.....

Petitioner

Mr. D.K. Mohapatra, Adv.

Vs.

State of Odisha and others

.....

Opposite Parties

State Counsel

CORAM:

DR. JUSTICE B.R. SARANGI

ORDER

14.10.2022

Order No.

02.

This matter is taken up through hybrid mode.

2. None appears for the petitioner at the time of call.
3. Heard Mr. R.C. Pattnaik, learned Standing Counsel for School and Mass Education Department.
4. Perused the records. The petitioner has filed this writ petition seeking to quash the letter dated 11.08.2011 under Annexure-4 and to issue direction to the opposite parties to approve his appointment in the Trained Graduate Scale with effect from 06.02.1985 and consequentially release all the benefits within a stipulated time.
5. Having heard learned Standing Counsel for School and Mass Education Department and after perusing the records, this Court finds that the petitioner having B.A. qualification was appointed as Asst. Teacher in Bapuji Bidyapitha, Balia in erstwhile Cuttack-III Circle by the Managing Committee with the subsequent approval of the appointment by the Inspector of Schools. The appointment of the petitioner was approved in the T.I. scale of pay. Subsequently, the petitioner has passed B.Ed. Examination on 06.02.1985. The petitioner has been promoted to the cadre of Jr. SES (TGT) vide office order dated 14.10.2006 pursuant to order dated 06.06.2006 of the Director, Secondary Education, Odisha and was getting T.G.

scale with effect from 17.06.2006. As per Rules, trained graduate post is a promotional post. So far as trained intermediate post is concerned, unless the petitioner got promotion in accordance with the rules, he cannot claim trained graduate scale of pay from the date of acquiring B.Ed. qualification, i.e., from 06.02.1985. Therefore, his claim for higher scale of pay having B.Ed. qualification does not arise, as the said posts have been filled up either by direct recruitment or through promotion. As such, any appointment or adjustment beyond the provisions of rules, cannot sustain in the eye of law.

6. In the above view of the matter, the petitioner cannot claim the benefits, as claimed in the writ petition. Accordingly, the writ petition merits no consideration and the same is hereby dismissed.

(DR. B.R. SARANGI)
JUDGE

Ashok

