

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.36339 of 2021

Basudev Behera and another ***Petitioners***

Mr. D.K. Mohapatra, *Advocate*

-versus-

State of Odisha and others ***Opp. Parties***

*Mr. B. Mohanty,
Standing Counsel for S & ME*

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

03.01.2022

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Video Conferencing/Physical Mode).
2. The Petitioners, who are teaching and non-teaching staff of Aided School have filed the present writ petition seeking for a direction to the Opposite Parties to grant the benefit under Orissa Education (Leave of Teachers and other Members of the Staff of Aided Educational Institutions) Rules, 1977, the Orissa Aided Educational Institutions Employees' Retirement Benefit Rules, 1981 and the Orissa Aided Education Institutions' Employees General Provident Fund Rules, 1983 with application of the Orissa Education (Retirement and Conditions of Services of Teachers and Members of the staff of Aided Educational Institutions) Rules, 1974 and Aided

Education Common Cadre, 1979. The Petitioners claim that their cases are similar to Aided Employees of High Schools which have received Grant-in-Aid (Full Grant) 1994 Grant-in-Aid Order and further pray for consideration of their case in terms of the judgment pronounced by this Court in the case of **Ritanjali Giri @ Paul vrs. State of Odisha (School & M.E. Deptt.) & Ors** : 2016(I) ILR 1162 and in the case of **Bindusagar Samantray vrs. State of Odisha & Others** (W.P.(C) No.27634 of 2020 disposed of on 13.09.2021.)

3. Learned counsel for the Petitioners placed reliance on another judgment of this Court in the case of **Prasanta Kumar Mohapatra & others** (W.P.(C) No.23312 of 2020 disposed of on 28.09.2021) and in the case of **Sarangadhar Sahoo and others** (W.P.(C) No.29342 of 2021).

4. Without going into merits of the case at this stage, this Court remits the matter back to the Opposite Party Nos.1 & 2 to consider the case of the Petitioners in the light of judgments referred to hereinabove.

5. It is needless to mention here that if the Petitioners are covered under the aforesaid judgments and are entitled to any benefit under such Rules, the same be promptly calculated and be paid to them within a stipulated time.

6. Let a certified copy of this order be produced before the Opposite Party Nos. 1 & 2 within a period of two weeks hence and the Opposite Party Nos.1 & 2 shall do well to take a decision in the matter within a period of three months thereafter and the decision so taken be communicated to the Petitioners within a period of two weeks from the date of such decision.

7. It is made clear that the Court has not expressed any opinion on the merits of the case.
8. With the aforesaid observations, the writ petition is disposed of.
9. Urgent certified copy of this order be granted on proper application.

(*A.K. Mohapatra*)
Judge

Jagabandhu

