

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.36423 of 2021

Sambhunath Behera

....

Petitioner

*Mr. D.K. Mohapatra,
Advocate*

-versus-

State of Odisha and others

....

Opposite Parties

*Mr. Biswajit Mohanty,
Standing Counsel for S. & M.E. Deptt..*

CORAM:

JUSTICE A.K.MOHAPATRA

ORDER

10.01.2022

Order No.

01. 1. This matter is taken up through Video Conferencing mode.
2. Heard learned counsel for both the parties.
3. The Petitioner, who is a teaching staff of Aided School has filed the present writ petition seeking for a direction to the Opposite Parties to grant the benefits to the Petitioner under the Orissa Education (Leave) of Teachers and other Members of the staff of Aided Educational Institutions) Rules, 1977, the Orissa Aided Education Institutions' Employees General Provident Fund Rules, 1983, the Orissa Education (Recruitment and Conditions of Service of Teachers and members of the Staff of Aided Educational Institutions) Rules, 1974, the Odisha Aided Educational Institutions Employees Common Cadre and Inter-transferability Rules, 1979 and after retirement of the Petitioner under the Orissa Aided Educational Institutions Employees' Retirement Benefit Rules, 1981.

4. Learned counsel for the Petitioner further prays for consideration of his case in terms of the judgment pronounced by this Court in the case of ***Ritanjali Giri @ Paul vs. State of Odisha (School & M.E. Deptt.) & Ors, reported in 2016(I) ILR 1162*** and in the case of ***Bindusagar Samantray vs. State of Odisha & Others (W.P.(C) No.27634 of 2020 disposed of on 13.09.2021.)***

5. Learned counsel for the Petitioner 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)***.

6. 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 representation of the Petitioner dated 24.09.2021 (Annexure-4) in the light of judgments referred to hereinabove.

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

8. 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 Petitioner within a period of two weeks from the date of such decision.

9. It is made clear that the Court has not expressed any opinion on the merits of the case.

10. With the aforesaid observations, the writ petition is disposed of.

11. As the restrictions due to resurgence of COVID -19 situation are continuing, learned counsel for the parties may utilize a print out of the order available in the High Court's website, at par with certified copy, subject to attestation by the concerned Advocate, in the manner prescribed vide Court's Notice No.4587, dated 25th March, 2020 as modified by Court's Notice No.4798, dated 15th April, 2021 and Office Order dated 7th January, 2022.

(A.K. Mohapatra)
Judge

U.K.Sahoo

