

IN THE HIGH COURT OF ORISSA AT CUTTACK

WP(C) No. 33857 of 2022

Sanjib Kumar Singh & Ors.

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Petitioners

Mr. D.N. Rath, Adv..

Vs.

State of Odisha & Ors.

.....

Opposite Parties

*Mr. S.Jena, Standing Counsel
for School & Mass Education Deptt.*

CORAM:

DR. JUSTICE B.R. SARANGI

ORDER

13.12.2022

Order No.

01.

This matter is taken up through hybrid mode.

2. Heard Mr. D.N. Rath, learned counsel for the petitioners and Mr. S. Jena, learned Standing Counsel for School & Mass Education Department.

3. The petitioners have filed this writ petition seeking to quash the letters dated 25.11.2022, 29.11.2022 and 02.12.2022 under Annexures-8, 9 and 10 respectively issued by opposite party no.2, as the same are contrary to the resolution dated 24.11.2022 under Annexure-7 issued by the Government. They further seek direction to the opposite parties to re-cast the category-wise break up of vacancies of base level posts in Junior Assistant in the offices of DEO/BEO and Govt. High Schools by taking 20% of the total vacancies reserved for promotion from the Group-D category employees as per the resolution dated 24.11.2022 under Annexure-7 and to proceed accordingly for extending promotion to the petitioners.

4. Mr. D.N. Rath, learned counsel for the petitioners contended that the Government had passed a resolution on 04.06.2020, whereby Group-D employees were to get promotion to Group-C posts as against

10% quota. Such 10% promotion quota of Group-D employees was enhanced to 20% by the Government vide resolution dated 24.11.2022 under Annexure-7, but on 25.11.2022 under Annexure-8 a list was prepared indicating category-wise break up of vacancies of base level Junior Assistant posts in the offices of DEO/BEO and Govt. High Schools on the basis of 10% quota. Therefore, it is contended that the same is contrary to the resolution dated 24.11.2022 under Annexure-7.

5. Mr. S. Jena, learned Standing Counsel for School & Mass Education Department contended that since the Government in its resolution dated 24.11.2022 under Annexure-7 has raised the promotion quota of Group-D employees from 10% to 20% and thereby has provided a wide scope for promotion of Group-D employees to different Group-C posts of the State, the so called break up vacancies list prepared under Annexure-8, on the very next date, i.e., 25.11.2022, is contrary to the resolution passed on 24.11.2022.

6. Having heard learned counsel for the parties and after going through the records, this Court is of the considered view that since the Government, as a matter of principle, has decided to enhance the promotion quota of Group-D employees from 10% to 20% in order to provide them wider scope for promotion to different Group-C posts of Junior Assistant, the list of break up vacancies in the base level posts of Junior Assistant in the offices of DEO/BEO and Govt. High Schools under Annexure-8 prescribing 10% vacancies for promotion from Group-D to Group-C posts, cannot sustain in the eye of law and, as such, the same is in gross violation of the resolution dated 24.11.2022 under Annexure-7. Thereby, the list of break up vacancies in the posts of Junior Assistant in the offices of the DEO/BEO and Govt. High Schools and approval of the empowering committee thereof, vide Annexures-8, 9 and 10, cannot sustain. Accordingly, the same are

hereby quashed. The matter is remitted back to opposite party no.2- Director, Secondary Education, Odisha, Bhubaneswar to recast Annexure-8, the list of break up vacancies of the base level posts of Junior Assistant in the offices of DEO/BEO and Govt. High Schools in terms of the resolution dated 24.11.2022 under Annexure-7 as expeditiously as possible, preferably within a period of four weeks from the date of communication/production of this order.

7. The writ petition thus stands disposed.

Issue urgent certified copy as per rules.

(DR. B.R. SARANGI)
JUDGE

GDS

