

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.40932 of 2021

Damodar Moharana

.... ***Petitioner***
Mr. Tushar Kanta Nayak,
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
06.01.2022

Order No.

01. 1. Heard learned counsel for both the parties.
2. 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 treat the Petitioner at par with the employees of other aided educational institution who were extended with grant-in-aid in accordance with Grant-in-Aid Order 1994 and accordingly to extend all benefits as applicable to the aided educational institution within the meaning of Section 3(b) of the Orissa Education Act, such as Earned Leaves as prescribed under Rule 9 of 1977 Rules, Extra Ordinary leaves as prescribed under Rule 12 of 1977 Rules as well as Study Leaves as prescribed under Rule 13 of 1977 Rules and other benefits as provided under 1977 Rules, Pension Rules, GPF Rules, though the same facilities and benefits were given to the employees of other institutions, which were notified under Section

3(b) of the Orissa Education Act, pursuant to the Grant-in-Aid Order, 1994.

3. 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 : 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.)***

4. 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)***.

5. 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 30.11.2021 (Annexure-3) in the light of judgments referred to hereinabove.

6. 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.

7. 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.

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

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

10. Urgent certified copy of this order be granted on proper application.

(A.K. Mohapatra)
Judge

U.K.Sahoo

