

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No. 41498 of 2021

State of Odisha & Ors.

.....

Petitioners

*Mr. D.R. Mohapatra,
Standing Counsel S&ME*

Vs.

Diptirani Chakrabarti

.....

Opposite parties

Mr. P.K. Mishra, Adv.

CORAM:

DR. JUSTICE B.R. SARANGI

MISS JUSTICE SAVITRI RATHO

ORDER

09.03.2022

Order No.

01

This matter is taken up through hybrid mode.

2. Mr. P.K. Mishra, learned counsel files vakalatnama on behalf of opposite party no.1 in Court today which is taken on record.

3. Heard Mr. D.R. Mohapatra, learned Standing Counsel for School & Mass Education Department appearing for Petitioners-State and Mr. P.K. Mishra, learned counsel for the opposite party no.1.

4. The petitioners-State have filed this writ petition to quash the order dated 04.02.2019 passed by Odisha Administrative Tribunal, Principal Bench, Bhubaneswar in O.A. No. 2033 of 1999, by holding that opposite party no.1 is not entitled to service benefits as Trained Graduate Teacher w.e.f. 25.06.1984, rather she is entitled to get all the service benefits w.e.f. 07.06.1994, from which date the institution was taken over by the Government where the opposite party no.1 was continuing as Trained Graduate Teacher w.e.f. 25.09.1993.

5. On perusal of the factual matrix, it appears that the opposite

party no. 1 having acquired B.Ed. qualification, was appointed by the Managing Committee as Trained Graduate Assistant Teacher in an Aided Educational Institution, i.e., Balanga Girls' High School under Puri Education Circle on ad hoc basis, vide communication dated 25.06.1984. On 16.01.1988, the Managing Committee decided to adjust the opposite party no.1 in Trained Intermediate Post by reverting her from Trained Graduate Post and appointed another teacher in her place. In order dated 30.03.1988, petitioner no.1 directed the petitioner no.2 to instruct all Inspectors of School to the effect that no ad hoc teachers in service in any Government and Non-Government High School as on 31.12.1984 is to be retrenched. On 05.06.1989, Orissa Aided Educational Institutions (Appointment of Teachers Validation) Act, 1989 came into force by which the teachers appointed prior to 31.12.1984 by the Managing Committee were declared as validly and regularly appointed. Therefore, appointment of opposite party no.1, who was appointed on 25.06.1984 as Trained Graduate Asst. Teacher, was declared as valid and regular.

6. As a consequence thereof, opposite party no.1 prayed that she is entitled to get the scale of pay from the date of her initial appointment irrespective of fact that subsequently she was reverted to the Trained Intermediate Post by the Managing Committee in the year 1988. But while considering her grievance, the Tribunal had relied upon the order dated 20.08.1993 passed by this Court in OJC No. 3627 of 1990, in paragraph-3 whereof, this Court had held that opposite party no.1 having been adjusted against a Trained Intermediate Post, the Inspector of Schools, Puri Circle, should be directed to adjust the opposite party no.1 in a Trained Graduate Post in any school under Puri Circle and opposite party

no.1, being so adjusted, would get the trained graduate scale of pay. As a consequence thereof, direction was given to extend the benefit of trained graduate scale of pay admissible to the opposite party no.1. Relying upon the said order, the Tribunal has disposed of the original application to extend such benefit. Thereby, the opposite party no.1 is entitled to get the scale of pay admissible to the post from the date of her initial appointment in accordance with law and in terms of the order dated 20.08.1993 passed in OJC No. 3627 of 1990.

7. In view of such position, this Court does not find any error apparent on the face of record so as to warrant interference with the order passed by the tribunal.

8. Accordingly, this writ petition merits no consideration and the same is hereby dismissed.

Issue urgent certified copy as per rules.

(DR. B.R. SARANGI)
JUDGE

(SAVITRI RATHO)
JUDGE

Ashok/Puspa