

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.41572 of 2021

Prasanta Kumar Jena

....

Petitioner

Mr.K.K.Swain, Advocate.

-versus-

State of Odisha & others

....

Opp. Parties

Mr. B.Mohanty, Advocate

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

04.01.2022

Order No.

01. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. Heard learned counsel for the parties.
3. The Petitioner has filed this writ petition seeking for a direction to the Opposite Party Nos. 1 to 3 to allow the Petitioner to avail the Trained Graduate Scale of Pay with effect from the date he has attained 48 years of age on the basis of School & Mass Education Department Resolution dated 18th February, 2008 within a stipulated period.
4. Mr.K.K.Swain, learned counsel for the Petitioner contended that similar question has already been adjudicated by the learned Single Judge in **Radharani Samal vrs.-State of Orissa**, 2017(I) ILR-CUT-546 which has been affirmed by the Division Bench of this Court by dismissing Writ Appeal No.176 of 2017 preferred by the

State vide order dated 30th April, 2019. Therefore, the case of the Petitioner is squarely covered by the judgment passed by this Court in **Radharani Samal** (supra).

5. Mr.B.Mohanty, learned Standing Counsel for School & Mass Education Department admits the contentions raised by the learned counsel for the Petitioner. He contended that direction may be issued to consider the case of the Petitioner in the light of judgment passed by this Court in **Radharani Samal** (supra) which has been affirmed by the Division Bench of this Court vide order dated 30th April, 2019 by dismissing Writ Appeal No.176 of 2017 preferred by the State.

6. Considering the contentions raised by learned counsel for the parties and after going through the records, this Court disposes of the writ petition directing the Opposite Parties to consider the case of the Petitioner in the light of the ratio decided by this Court in **Radharani Samal** (Supra) as expeditiously as possible preferably within a period of four months from the date of production of certified copy of this order.

7. Urgent certified copy of this order be granted as per Rules.

(**A.K. Mohapatra**)
Judge

RKS