

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.41661 of 2021

Bibhudutta Swain

....

Petitioner

Mr. Samarendra Patnaik, *Advocate*

-versus-

State of Odisha and others

....

Opp. Parties

Mr. Sangram Jena,
Standing Counsel for S & ME

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

06.01.2022

Order No.

- 01.
1. This matter is taken up through Hybrid Arrangement (Video Conferencing/Physical Mode).
 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's service 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 to extend all benefits as applicable to the aided educational institutions within the meaning of section 3(b) of the Orissa Education Act, such as Earned Leaves as prescribed under Rule-9 of 1977 Rules, Extraordinary Leave 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 within a reasonable time to be stipulated by this Court taking into account the judgment rendered by this Court in Ritanjali Giri @ Paul-vrs-State of Orissa, reported in 2016(I) ILR CUT 1162.

3. 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).

4. 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 case of the Petitioner in the light of judgments referred to hereinabove.

5. 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.

6. 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.

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

8. With the aforesaid observations, the writ petition is disposed

of.

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

Jagabandhu

(A.K. Mohapatra)
Judge

