

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.41900 of 2021

Babaji Charan Nayak

....

Petitioner

Mr. Jyotirmaya Gupta, Advocate

-versus-

State of Odisha and others

....

Opposite Parties

Mr. D. Mund, AGA

CORAM:

JUSTICE A.K.MOHAPATRA

ORDER

07.01.2022

Order No.

01. 1. Heard learned counsel for both the parties.
2. The Petitioner, who is a non-teaching staff of Aided School has filed the present writ petition seeking for a direction to the Opposite Party No.1 to take immediate steps to treat the Petitioner at par with that of the employee of the aided educational Institutions/government institutions and to extend all benefits including GPF and Pensionary benefits and to grant the same as notified under section 3(b) of the Orissa Education Act, 1969 pursuant to Grant-in-Aid Order, 1994, as per the principles decided in the case of ***Ritanjali Giri @ Paul (supra), reported in 2016(I) ILR-1162*** and further prays to finalize the representation of the Petitioner under Annexure-4 within a stipulated period.
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 No.1 to consider the representation of the Petitioner dated 0308.2021 (Annexure-4) 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 No.1 within a period of two weeks hence and the Opposite Party No.1 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