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Location: HIGH COURT OF ORISSA, CUTTACK
Date: 29-Oct-2026 17:27:49

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) No.24649 of 2025
(CNR No. ODHC010617112025)

Nilamani Lenka .... **Petitioner**

Mr. S. Jena, Advocate

-Versus-

State of Odisha and others .... **Opposite Parties**

Mr. S.K. Parhi, ASC

CORAM:
MR. JUSTICE R.K. PATTANAIK

ORDER
28.10.2026

Order No.

02. 1. Heard learned counsel for the respective parties.

2. Instant writ petition is filed by the petitioner seeking quashment of the Government order dated 1st August, 2025 of opposite party No.1 under Annexure-12 and to declare the same as illegal, arbitrary and contrary to law and further to issue a writ in the nature of mandamus directing the opposite parties and in particular, opposite party Nos.1 and 2 to extend the benefits of placement in the Lecturer Group-A scale of pay as well as Reader (State Scale) retrospectively w.e.f. 1st June, 2002 and 1st June, 2012 by suitably modifying the Government notification dated 28th October, 2017 at Annexure-5 in terms of Rules 4 and 9 of the Odisha Non-Government Aided College Lecturer's Placement Rules, 2014 (hereinafter referred to as 'the Rules') and the decision of this Court in **Chittaranjan Das Vrs. State of Odisha and others 2023 (II) ILR-Cut-980**

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upheld in SLP(C) Diary No.53319 of 2024 vide order dated 19th August, 2026 with such grounds stated therein.

3. Mr. Jena, learned counsel for the petitioner submits that the petitioner is having requisite qualification and duly appointed by the Governing Body of Barapara Mahavidyalaya, in the district of Kendrapara as against the 1st post of Lecturer in Odia on 18th May, 1988 and joined on 19th May, 1988 and while continuing as such, his appointment was approved by opposite party Nos.1 and 2 as against 1st post of Lecturer in odia on 22.03.1999, w.e.f. 01.06.1994. A copy of the said approval order is at Annexure-1 series. The further submission is that in view of Section 10(1) of the Odisha Education Act, 1969 which deals with conditions of service of the staff of Aided Educational Institutions and since the petitioner was continuing in such an Institution, the State Government in exercise of the powers conferred under Sub-Section (1) thereof promulgated the Rules to regulate the method of placement of Lecturers/Junior Lecturers of Non-Government Aided Colleges in different scale of pay. The contention of Mr. Jena, learned counsel is that the petitioner's case is similarly situated like **Chittaranjan Das** (supra). The further submission is that the petitioner had earlier approached this Court in W.P.(C) No.33274 of 2024 disposed of on 7th January, 2025 with a direction to consider his case within the period stipulated but it has been followed by the impugned rejection order dated 1st August, 2025 at Annexure-12. The contention is that the impugned order at Annexure-12 declining such placement of

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the petitioner in the scale of pay is on the premise that the order in **Chittaranjan Das** (supra) has been stayed in SLP(C) No.53319 of 2024 and hence, such benefit cannot be extended to him. The submission is, however, that in the meantime, the SLP has been dismissed on 19th August, 2026, hence, according to Mr. Jena, learned counsel, the petitioner is entitled to such scale of pay in terms of the Rule 4(b) of the Rules and therefore, the impugned order at Annexure-12 dated 1st August, 2025 liable to be interfered with and set aside.

4. Recorded the submission of Mr. Parhi, learned ASC for the State.

5. This Court finds that the judgment in **Chittaranjan Das** (supra) was complied with by the Government by order dated 27th February, 2024 as at Annexure-8 and it was followed by a notification dated 16th March, 2024 issued by the Department of Higher Education, Govt. of Odisha under Annexure-9. The claim of the petitioner is that he is similarly situated and hence, it was not right and justified on the part of opposite party No.1 to decline such placement vide Annexure-12.

6. For a better appreciation, this Court is inclined to quote relevant provision of the Rules which are extracted hereinbelow:

> "Rule 4. Eligibility Criteria for Placement.

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(1) In order to be eligible for placement to the grade of Lecturer (Group-A) Scale of Pay under rule 9, a lecturer as covered under rule-3 must have-

(a) Completed at least 08 (eight) years of service as such from the approved date of joining, in case of SSB sponsored Lecturers/Junior Lecturers;

(b) Completed at least 08 (eight) years of service from the date of receiving of full GIA in the post of Lecturer in case of appointment by the management;

(c) Completed at least 08 (eight) years of service from the date of eligibility for full GIA in case of Lecturers whose services have been validated under the Validation Act;

Explanation-For the purpose of clause (b) and clause (c) of this rule, the expression full GIA shall mean completion of 09 (nine) years of continuous service from his/her approved date of joining;

(d) Satisfactory performance as a Lecturer/Junior Lecturer supported with CCRs or ACRs by whatever name called.

(2) A Lecturer placed under Lecturer (Group-A) Scale of Pay under rule 9 in order to be eligible for consideration for placement to Reader (State Scale) Scale of Pay under rule 9, must have completed at least 10 years of continuous service in the said Lecturer (Group-A) scale of pay."

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7. On a bare reading of the above provisions, this Court finds that in order to be eligible for placement in the Grade of Lecturer Group-A scale of pay under Rule 9, a Lecturer shall have to fulfil the criteria fixed therein. As to the case of the petitioner, Clause(b) of Sub-Rule (1) is relevant and it stipulates that a Lecturer shall have to complete at least eight years of service from the date of receiving full GIA in the post of Lecturer in the case of appointment by the Management. It is further made to understand that for the purpose of Clause (b) as per the Explanation appended thereto, the expression 'full GIA' shall mean completion of 9 years of continuous service from the date of joining. In so far as, Sub-Rule(2) of Rule-4 of the Rules is concerned, a Lecturer placed under Group-A scale of pay under Rule 9, in order to eligible for consideration for placement of Reader (State Scale) scale of pay, must have completed at least 10 years of continuous service in the said Lecturer (Group-A) post and referring to the same, Mr. Jena, learned counsel submits that the petitioner has fulfilled the eligibility criteria and hence, at par and therefore, opposite party No.1 could not have rejected such placement vide Annexure-12. The contention is that such Explanation referable to Clause(b) and (c) of Rule 4(1) of the Rules in contrast to Clause (a) thereof has been read down by this Court in **Chittaranjan Das** (supra) in the following words, which, this Court is inclined to reproduce and the same is as hereunder:

> "30. In view of the discussion as made above, there cannot be any ambivalence that the petitioner's

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approved date of appointment is 23.05.1995 and the same was approved by a posterior order. We are constrained to observe that the Clarification dated 07.10.2015 (Annexure-A to the counter affidavit filed by the Opposite Parties) and the Clarification dated 20.01.2016 (Annexure-B to the counter affidavit filed by the Opposite Party No.2) cannot be sustained so far as the interpretation as provided in Para 3 is concerned. It has been provided by Para 3 that a non-SSB lecturer can avail the benefit of Lecturer (Group-A Scale) and Reader (State Scale) only after completion of 17 years and 27 years of continuous service respectively from the approved date of joining. We read down the said provision for being contrary to the provision of Rule-4(1) (b) of the Orissa Non-Government Aided College Lecturers Placement Rules, 2014. That apart, a clarification, cannot take away any benefit granted by the substantive rule. The placement of a Non-SSB Lecturer to the grade of Lecturer (Group-A Scale) will be guided by the provision of Rule-4 (1)(b) of the said Rules [of 2014].

31. Hence, we declare that the petitioner is entitled to get the benefit of the Lecturer (Group-A Scale) from the date when he had completed 8 years of service in the post of Lecturer from the date of getting the GIA scale. But so far, the policy of the

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Government to pay notionally for a certain period is not intervened by us. That part of the notification dated 20.01.2016 (Annexure-B to the counter affidavit filed by the Opposite Parties), therefore, stands good. The pay of the petitioner in the post of Lecturer (Group-A Scale) shall be fixed notionally from the date of his eligibility till 01.01.2014, but it is made absolutely clear that the petitioner's pay shall be fixed in the said scale in the manner as provided under Rule 9 of the said Rules, as reproduced above, in the post of Lecturer (Group-A Scale) on the date of eligibility i.e. 23.05.2003."

8. In view of the above and having regard to the decision in **Chittaranjan Das** (supra), the Explanation to Rule 4(1) of the Rules having been read down by this Court therein and that the petitioner is eligible and entitled to such placement in terms of the ratio decided and followed in **Sri Dolomani Meher Vrs. State of Orissa and others** in W.P.(C) No.4312 of 2016 and batch of cases decided and disposed of on 6th July, 2023, this Court reaches at an irresistible conclusion that the impugned order vide Annexure-12 of opposite party No.1 is liable to be set aside and quashed and accordingly, it is ordered.

9. In the result, the writ petition stands disposed of with a direction to opposite party No.1 to extend the benefit of placement to the petitioner in the Lecturer Group-A scale of pay as well as Reader (State Scale) scale of pay retrospectively

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w.e.f. 1st June, 2002 and 1st June, 2012 and to that extent, the Government notification dated 28th October, 2017 at Annexure-5 is hereby modified in so far as it relate to the petitioner is concerned, with a further direction that the compliance thereof shall be accomplished at the earliest preferably within a period of six weeks from the date of receipt of a copy of this order. As a necessary corollary, the impugned order at Annexure-12 dated 1st August, 2025 of opposite party No.1 is hereby quashed for the reasons stated and discussed hereinabove.

10. Urgent copy of this order be issued as per rules.

(R.K. Pattanaik)
Judge

Rojalin