

(2017) 12 OHC CK 0015

In the Orissa High Court

Case No : 7687 of 2015

Banshidhar Sahoo & others

APPELLANT

Vs

State of Orissa & others

RESPONDENT

Date of Decision : 11-12-2017

Acts Referred:

Constitution of India, Article 226, Article 227 -
Orissa Education Act, 1969, Section 3(b), Section 24-B

Citation : (2017) 12 OHC CK 0015

Hon'ble Judges : D.P. Choudhury

Bench : SINGLE BENCH

Advocate : J. K. Rath, S.P. Barik, P.K. Rout, Bibhuti Keshari Biswal, Pradeep Kumar Sahoo

Final Decision : Disposed

Judgement

1. Challenge has been made to the inaction of the opposite parties for not releasing the current salary and arrear salary of the petitioners from the month of March 2013 till date. FACTS

2. The unfurled story of the facts leading to the writ petition is that petitioners are the teaching and non-teaching staff of Jagabandhu Memorial Girls' High School, in the district of Bhadrak. They have been discharging their duties in accordance with law. It is alleged inter alia that in the year 2011 the opposite party No.3 withheld the salary, i.e., grant-in-aid of the staff and Headmistress of the School with effect from January 2011. So, the petitioners had to file writ petition bearing W.P.(C) No.22514 of 2011 to direct for payment of the arrear salary. This Court disposed of that writ application directing the opposite party No.3-the District Education Officer, Bhadrak to dispose of the representation of the petitioners within a period of three months. After receiving the order of the Court, opposite party No.3 asked the opposite party No.4 to take steps for release of the salary vide order dated 9.5.2012. Since the order of the District

Education Officer was not complied by the opposite party No.4, the petitioners filed contempt petition bearing CONTC No.2069 of 2012 to comply the order of the Court. While disposing of that contempt application, the Court vide order dated 11.10.2012 directed the opposite party No.4 to disburse the salary of the petitioners subject to filing of undertaking with regard to their good conduct and discipline in the School. Again the District Education Officer-opposite party No.3 directed the opposite party No.4 to submit the pay bill of the staff. Since the opposite party No.4 did not comply the order, the District Education Officer vide his order dated 21.5.2013 released the salary of the petitioners from January 2011 to February 2013.

3. Be it stated that the petitioners have been discharging their duties regularly but the opposite party No.4 with mala fide intention has not submitted the bills from March 2013 till date. Also the opposite party No.4 did not allow the petitioners to sign the attendance register for the session 2013- 2014. So, the petitioners had approached the District Education Officer challenging the illegal action of the opposite party No.4. The District Education Officer after conducting enquiry directed the opposite party No.4 to allow the petitioners to discharge their duties by signing the attendance register. Since the opposite party No.4 became defiant to the orders of the higher authorities, she was put under suspension by the opposite party No.3 for insubordination, negligence in duty and disobedience of the order and disciplinary proceeding was initiated against opposite party No.4. Subsequently opposite party No.4 was reinstated as per the order of the Director, Secondary Education but continued to harass the petitioners by not submitting the pay bills of the petitioners. In spite of the direction and disciplinary action taken, the opposite party No.4 did not submit the pay bills for drawal of the salary of the petitioners for which the petitioners had to suffer financial hardships. Hence, this writ petition is filed for a direction to the opposite parties to pay the arrear salary of the petitioners from March, 2013 till date. SUBMISSIONS

4. Mr. J.K. Rath, learned Senior Advocate for the petitioners submitted that there is disturbance between the Headmistress-in-charge and the staff of the School for which petitioners are suffering. According to him, the School is an aided educational institution as per Section 3 (b) of the Orissa Education Act. The petitioners including the opposite party No.4 were approved staff of the State Government vide order dated 21.6.2008 and 3.11.2008. The petitioners and opposite party No.4 have received their salary with effect from September 2007 till January 2011.

5. Mr. J.K. Rath, learned Senior Advocate for the petitioners further submitted that due to non-submission of pay bills by the opposite party No.4, some of the employees filed writ petition bearing W.P. (C) No.22514 of 2011 wherein and whereunder this Court was pleased to pass the order on 12.9.2011 directing the opposite party No.3 to dispose of the representation filed by the petitioners within three months. Since the order of the Court was not complied, the

petitioners had to file contempt application bearing CONTC No.2069 of 2012 wherein this Court directed the opposite party No.4 to disburse the salary of the petitioners as recommended by the District Education Officer subject to the petitioners furnishing an undertaking with regard to their good conduct and discipline. But due to sure disobedience of order of the Court and superior officers, the opposite party No.4 was suspended contemplating Departmental Proceeding which shows that opposite party No.4 is bent upon to harass the petitioner and same is violative of the right of the petitioner.

6. It is further submitted that one of the present petitioners had filed W.P.(C) No.1259 of 2014 challenging the reinstatement of the opposite party No.4 wherein this Court disposed of the writ petition with a direction to the opposite parties to reconstitute the Managing Committee of the School as dispute was going on between the staff. He also drew attention of the Court the order dated 28.10.2016 passed by this Court in this writ application wherein the District Education Officer was directed to personally make enquiry and report whether the petitioners are discharging the duties or not as the opposite party No.4 was alleging absence of the petitioners in their duty.

7. Mr. Rath, learned Senior Advocate for the petitioners submitted that the petitioners and the opposite party No.4 are all approved teachers of the School as per the notification issued on 21.6.2008 vide Annexure-15. Moreover, he submitted that as per order dated 28.10.2016 the opposite party No.3 has made enquiry in pursuance of the order of this Court and submitted a report stating that due to regular tussle between the Headmistress and staff members of the School the present crisis has come up and the petitioners were regularly in their duties and performed the day to day work usually as ascertained from the student of School and from the CRCC of the concerned Cluster. In his report he has also submitted that the Headmistress-in-charge has alleged against the present petitioners' conduct.

8. Mr. Rath, learned Senior Advocate for the petitioners submitted that the opposite party No.4 is not submitting the pay bills because of personal enmity with the petitioners. Since the District Education Officer, Bhadrak upon enquiry has found the petitioners are regularly discharging the duties and opposite party No.4 is already facing the contempt and also disciplinary action, the opposite party No.3 may be directed to disburse the arrear salary and current salary from March 2013 till date.

9. Mr. P.K. Sahoo, learned counsel for the opposite party No.4 submitted that the writ petition is not maintainable as the remedy is available under Section 24-B of the Orissa Education Act, 1969 with the disputed questions of fact/entitlement and particularly one of the petitioner has already filed G.I.A. Case No.126 of 2013 before the State Education Tribunal challenging the show cause notice of unauthorized absent with prayer to release arrear salary. Learned counsel for the opposite party No.4 further submitted that a Public Interest Litigation bearing W.P.(C) No.23088 of 2013 is also pending before this Court alleging about

mismanagement, disturbances and irregularities committed by the petitioners in the School. Since the efficacious remedy is available under the statute the writ petition should not be allowed.

10. Learned counsel for the opposite party No.4 further submitted that since the order in W.P.(C) No.22514 of 2011 only directs for disposal of the representation of the petitioners, said order cannot be said to have decided the merit of the claim made by the petitioners. The release of the arrear salary from 2011 to February 2013 by the District Education Officer being a separate cause of action cannot be the basis to decide the arrear salary of the petitioners from March 2013 onwards. The conduct of the petitioners as alleged, are serious in nature and violative of the statutory rules. Different criminal proceedings are pending against the petitioners for their criminal activities against the opposite party No.4 since the opposite party No.4 did not submit the pay bill of the petitioners on the valid ground that the petitioners were absent in their duty.

11. Learned counsel for the opposite party No.4 submitted that the petitioners are not entitled to any relief as they have suppressed the material facts because they have received the show cause notice from time to time from the Headmistress for their misconduct which has not been pleaded in this writ application. The enquiry report of the District Education Officer dated 14.9.2017 filed before this Court is not an impartial one because the Headmistress have made allegations against the opposite party No.3 on different occasions before the State Government, Director, Higher Education Department and Human Rights Commission. Although the allegations are also made before the District Education Officer, on field enquiry, same has not been well dealt by the opposite party No.3 and submitted a biased report for which such report should not be taken into consideration to decide the lis. It is the opposite party No.4 who is competent under the law to submit the pay bill according to the entitlement of the petitioners to the arrear salary.

12. Learned counsel for the opposite party No.4 further contended that the opposite party No.3 has not discharged his duty in the matter of reconstitution of the Managing Committee under Rule 28 of the 1991 Rules after the School became an aided one so as to subside all disturbances and mismanagement. Moreover, the Managing Committee is the sole authority vested with the power of taking disciplinary action against the petitioners under the Orissa Education (Recruitment and Conditions of Service of Teachers and Members of the Staff of Aided Educational Institutions) Rules, 1974 (hereinafter called "the Rules, 1974"). In toto, he submitted that the petitioners are not entitled to the claim made in the writ application. Accordingly, the same should be dismissed. In support of his submission, he cited the decisions in *Jitendra Kishore Baghasingh v. State of Orissa*; AIR 2008 Orissa 56 and *A.P. SRTC & others v. G. Srinivas Reddy & others*; (2006) 3 SCC 674.

13. Learned Additional Standing Counsel submitted that the report of the District Education Officer is absolutely impartial and only due to highhandedness and

unruly behavior of the Headmistress-opposite party No.4, the problem of the School has been enhanced. For her wrongful act, she has already been punished in earlier occasion. He also submitted that the Grant-in-aid of the School has already been withdrawn for which the question of payment of arrear salary from March 2013 onwards to petitioners do not arise. So, he submitted that the claim of the petitioners should be done away with.

14. Main point for consideration:- (i) Whether the petitioners are entitled to the arrear salary from March 2013 onwards till date ?

DISCUSSION

15. It is not in dispute that the petitioners are teaching and non-teaching staff of Jagabandhu Memorial Girls' High School. It is also admitted fact that the opposite party No.4 is the Headmistress-in-charge of the School. It is admitted fact that there is dissension between the Headmistress-in-charge and the petitioners.

16. Annexure-1 shows that the petitioners being the employees of Jagabandhu Memorial Girls' High School were not paid the arrear salary for the period from January 2011 to February 2013 for which they had to file W.P.(C) No.22514 of 2011 and the same was disposed of on 12.9.2011 directing the opposite party No.3 to dispose of the representation of the petitioners. Annexure-2 shows that in compliance of the order of this Court, opposite party No.3 released the arrear salary and intimated the opposite party No.4 for necessary action. Since the pay bill was not submitted by the opposite party No.4, the opposite party No.3 directed the opposite party No.4 to submit the pay bill within seven days. Annexure-4 shows that since the opposite party No.4 did not obey the order to disburse the arrear salary as ordered by this Court and also ordered by the authority, a reminder was issued by the opposite party No.3 to opposite party No.4 to do the needful.

17. Annexure-6 shows that due to non-compliance of the order, CONTC No.2069 of 2012 was filed wherein this Court directed the present opposite party No.4 to disburse the salary to the petitioners subject to furnishing of undertaking with regard to their good conduct and discipline in the School but in the subsequent order the condition of furnishing undertaking was deleted. However, on perusal of Annexure-6 it appears that the opposite party No.4 being defiant to the order of this Court and the order of the authority, the opposite party No.3 suspended the opposite party No.4 vide Annexure-9 contemplating the disciplinary proceeding.

18. From the aforesaid documents, it is clear that the opposite party No.4 has remained adamant in complying the order of this Court and her authority. The counter affidavit filed on 6.7.2015 by the opposite party No.3 shows that there was dispute between the petitioners in one hand and the Headmistress on the other hand. Although for insubordination and negligence in duty by opposite party No.4, the opposite party no.3 has taken disciplinary action but she was reinstated by the Director of Secondary Education. On the other hand, the

contention of the learned counsel for the opposite party No.4 shows that the action of the District Education Officer being defective and vindictive, the Director had to interfere and revoked the disciplinary proceeding by allowing her to join. Opposite party No.4 has not only grievance against the petitioners but also alleged about biasness of opposite party No.3.

19. Learned counsel for the opposite party No.4 laid stress over the functioning of the Headmistress because the Headmaster or Headmistress of the School is the proper authority for maintaining discipline in the School and payment of salary to teachers subject to provisions of Act and Rules. On the other hand, learned counsel for the petitioners submits that the opposite party No.4 having animosity with the petitioners did not allow them to sign the attendance register just to keep record that they have remained absent being entitled to any salary. He further drew attention of the Court to the order dated 19.11.2015 passed by this Court in Misc. Case No.7536 of 2015 arising out of the present writ application wherein due to inaction of the opposite party No.4 for not submitting correct pay bill, this Court stopped the salary of the opposite party No.4. Further he drew the attention of the Court to the order dated 29.7.2016 wherein this Court directed the District Education Officer to conduct an enquiry about the attendance of the petitioners so as to release their arrear salary. By order dated 28.10.2016 the Court has again passed the order and directed that the District Education Officer to personally visit the spot and submit the enquiry report as he has deputed the A.D.E.O. earlier for enquiry.

20. The report of the District Education Officer has been submitted. However, the report of the District Education Officer is placed below for reference: "Inquiry report of Sri Ranjan Kumar Giri, OES-I, D.E.O., Bhadrak pursuant to order dtd.13.09.2016 of the Hon"ble High Court, Orissa, Cuttack passed in W.P.(C) No.7687 of 2015.

As per direction of the Hon"ble High Court, Orissa, Cuttack I had conducted an inquiry on the allegations and counter allegations of the Ex-staff and the Ex-Headmistress (I/C) of Jagabandhu Memorial Girls' High School, Radhannathpur, Adia. During inquiry on Dt.16.11.2016 in the school premises, the Ex-Headmistress (I/C), Ex-Staff members including the petitioners of this case, CRCC of the concerned duster, Headmaster & Teachers of the adjacent R.N. Adia Primary School & Adia UP (ME) School, the Municipality Counselor of the concerned ward, some student guardian and villagers were present.

That, it was revealed, some of the Ex-staff members, those are the petitioners of this case have alleged that they not been paid their G.I.A. (Block Grant) for the period from March 2013 till to date although they have discharged their duties regularly for that period. On the other hand, the Ex-Headmistress (I/C) had a counter allegation that, she was unable to submit salary bills as they were not in duties for the period of their claim.

That, it was found, there were regular tussles among the Ex-Headmistress (I/C)

and the Ex-Staff Members of the School for years together. As per statement of the petitioners of this case, the Ex- Headmistress (I/C) did not allow them to sign in the staff attendance register, for which they have maintained a separate attendance register. On asking to the petitioners of this case they produced the separate attendance register maintained by them and some other documents in support of their claim like lesson note, notes of students corrected by them in various subjects, examination duty order etc. in support of their claim. The copies of which are enclosed herewith for kind perusal.

That, most of the student guardians & villagers present during inquiry gave their consents in support of the petitioners of this case. Sri Bhagaban Mallick, Municipality Counselor of the concerned ward had given his written statement in support of regular duty in the school by the petitioners. The copy of the said statement is enclosed herewith for kind perusal.

That, as per written statements of the Headmasters of adjacent R.N. Adia Primary School & Adia UP(ME) School, the teaching & non-teaching staff of the school were regular and they were working in one office and well acquainted with each others. Their copies of the statement are enclosed herewith for kind perusal.

That, on asking to the students of Class-IX & X of the school all the students admitted verbally that the petitioners of this case were regular in their duties and performed day to day work usually. But one student namely Subhashree Mallick of Class-X had given written statement regarding regularity of the petitioners in their duties and also submitted that all the petitioners had discharged their duties properly. The copy of the said statement of Subhashree Mallick is enclosed herewith for kind perusal.

That, the CRCC of the concerned cluster has also submitted his written statement during inquiry in support of regularity of the petitioners in their duties. The copy of the statement of CRCC concerned is enclosed herewith for kind perusal.

In the other hand, the Headmistress, I/C of the school who is the opposite party No.04 of the case had stated that, the petitioners were not regular in their duties & she had never seen them during school hour in anytime for which she was unable to submit bills to the office of the D.E.O., Bhadrak for necessary payment of their salaries. Further, she had stated that all the petitioners of this case are indisciplined in nature they never care to her and also do not obey the rules and regulations of the Department. As per statement of Headmistress, I/C, Sri Pradeep Kumar Muduli one of the petitioners of this case had misused the seal and forged some documents of the school. He also misappropriated school money for which FIR was lodged against Sri Muduli at Marine Police Station, Chudamani by the Headmistress, I/C of the school. The copy of the said FIR is enclosed herewith for kind perusal. Again Sri Surendra Prasad Panda another petitioners of this case had misbehaved one of the girl student of the school in past and had submitted undertaking before the village committee for rectification of his behavior. The copy of the same undertaking is enclosed herewith for kind

perusal.

The Headmistress, I/C also stated that all the petitioners were managed to perform HSC examination duties being deputed by misusing the seal of the Headmistress.

That, one Sri Suryakanta Mallick who is the donor member of the school (as stated by Headmistress, I/C) and Sri Niranjana Mallick, MLA representative have submitted their written statement against the petitioners' regularity, sincerity & conduct. The copies of the said statement are enclosed herewith for kind perusal.

That, at present the school has already been derecognized by the Director, Secondary Education, Odisha, Bhubaneswar vide his Order No.41312 Dt.04.12.2015 due to some deficiencies according to the terms and norms of the Department in force.

In view of the above premises, it is concluded that all the disturbances are caused due to regular tussle among the Headmistress, I/C and staff members of the school and due to unnecessary interference of some outsiders in day to day management of the school.

Sd/-

District Education Officer,

Bhadrak"

21. From the aforesaid report, it appears that the District Education Officer has collected the factual position and found from the students that the petitioners are regularly attending duty and performing the day to day work. The CRCC of the concerned Cluster has also supported the regularity of the petitioners in their duty. On the other hand, the opposite party No.4 simply disputed about the regularity of the petitioners in duties. She also stated that she was not able to submit the pay bill because of the indiscipline of the petitioners. The most crucial aspect in such nature of case is to find out the satisfaction of the students who really judge the teachers and other employees of the School about their performance in duty and manner of teaching. When the students not only orally but also gave in writing about regular attendance of the petitioners in the School and performing their duty, same is to be weighed more than any other factors. Not only this but also the CRCC who is also the immediate authority of the Headmistress having certified about the regularity of the petitioners in the School, the objection raised by opposite party No.4 or any other person like representative of the M.L.A. or the donor have to be put in the back seat. The version of the opposite party No.4 cannot be taken as a gospel truth because as discussed earlier she has audacity for not following the rules and regulations including the order of the Court.

22. At this juncture, learned counsel for the opposite party No.4 drew attention to Rule 17 of the Rules 1974 wherein the CCR is to be initiated by the

Headmaster or the Principal, as the case may be, and submitted to the President who shall, in consultation with the Secretary record his remarks and forward the report to the Inspector in respect of Schools and the Director in respect of a College. According to him, such rule empowers the Headmistress-opposite party No.4 to pay salary or not. No doubt the Headmaster or Principal is the head of the School to maintain Confidential Character Roll but never Rule 17 (b) said that she would stop the pay by not submitting the pay bill where the teachers are performing their duty. It is also the contention of the learned counsel for the opposite party No.4 that Education Tribunal is the authority under Section 24-B of the Orissa Education Act but it must be remembered that where there is right of person concerned is abruptly violated, the Writ Court is available to exercise jurisdiction under Articles 226 and 227 of the Constitution of India. Be that as it may, the contention of the learned counsel for the opposite party No.4 to reject the report of the District Education Officer is untenable and same must be recorded as misplaced submission.

23. In terms of the above discussion, when the report of the District Education Officer is clear that the petitioners are attending their duty regularly, there is no any gainsaying to deny their right for payment of salary. It is reported in State of Punjab and others-vs-Jagit Singh and others; 2016 (10) SCALE 447 where Their Lordships, at paragraph-56 have observed in the following manner: "56. We would also like to extract herein Article 7, of the International Covenant on Economic, Social and Cultural Rights, 1966. The same is reproduced below:-

"Article 7

The States Parties to the present Covenant recognize the right of everyone to the enjoyment of just and favourable conditions of work which ensure, in particular:

(a) Remuneration which provides all workers, as a minimum, with:

(i) Fair wages and equal remuneration for work of equal value without distinction of any kind, in particular women being guaranteed conditions of work not inferior to those enjoyed by men, with equal pay for equal work;

(ii) A decent living for themselves and their families in accordance with the provisions of the present Covenant;

(b) Safe and healthy working conditions;

(c) Equal opportunity for everyone to be promoted in his employment to an appropriate higher level, subject to no considerations other than those of seniority and competence;

(d) Rest, leisure and reasonable limitation of working hours and periodic holidays with pay, as well as remuneration for public holidays."

India is a signatory to the above covenant, having ratified the same on 10.4.1979. There is no escape from the above obligation, in view of different provisions of the Constitution referred to above, and in view of the law declared

by this Court under Article 141 of the Constitution of India, the principle of "equal pay for equal work" constitutes a clear and unambiguous right and is vested in every employee - whether engaged on regular or temporary basis."

With due regard to the aforesaid proposition of law, when the petitioners have performed their duty, they are entitled to their equal salary as similar employees of the school they are receiving their salary.

24. Learned Standing Counsel for the School and Mass Education Department simply submitted with reference to the report of the District Education Officer that the Director, Secondary Education due to some deficiencies has de-recognized the School. He drew the attention of the Court to the order dated 4.12.2015 issued by the Director, Secondary Education on 3.12.2015. The last para of the order is placed below for reference: "xxx xxx xxx

Now, therefore, in pursuance of Section 6-B of Orissa Education Act 1969, the recognition accorded earlier in favour of the Jagabandhu Memorial Girls' High School, At-Radhanathapur, P.O. Mandari, Dist-Bhadrak is hereby withdrawn. The students admitted to the aforesaid Aided Educational Institution till the academic session 2015-16 is allowed to continue as if the concerned Educational Institution continues to be recognized till the batch of Students appear in the Annual H.S.C. Examination conducted by the Board of Secondary Education, Odisha, Cuttack in terms of Sub Section 4 of 6-B of Orissa Education Act-1969. The aforesaid educational institution thus de-recognized shall not admit fresh students for the academic session 2016-17."

25. The aforesaid order is clear to show that the Director, Secondary Education, Odisha has derecognized the School but allowed the students to appear in the Annual H.S.C. Examination and to continue till March 2017. The Director, Secondary Education has strictly prohibited from admitting the fresh students for the academic session 2016-2017. When the petitioners are to attend the students admitted till 2015-2016 who are to appear in the 2016-2017 Examination, their salary up to March 2017 cannot be denied.

26. In view of the aforesaid analysis, the Court is of the view that the petitioners being regular in their duty and performing classes, they are entitled to salary from March, 2013 till March 2017. The point is answered accordingly.
CONCLUSION

27. Learned counsel for the opposite party No.4 strenuously submitted that the writ petition is not maintainable because the efficacious remedy is available under Section 24-B of the Orissa Education Act, 1969. In support of his submission, he relied on the decision in A.P.SRTC & others v. G. Srinivas Reddy & others (supra) where Their Lordships have observed in following manner:- "xxx xxx xxx

We have used the expression "industrial adjudicator" by design as determination of the questions aforementioned requires enquiry into disputed questions of facts

which cannot conveniently be made by High Courts in exercise of jurisdiction under Article 226 of the Constitution. Therefore, in such cases the appropriate authority to go into those issues will be the Industrial Tribunal/Court whose determination will be amenable to judicial review." (Emphasis supplied)

28. With due regard to the aforesaid decision, it appears that where there is question of facts involved requiring enquiry, the High Court should not exercise the jurisdiction under Article 226 of the Constitution.

29. It is reported in *Jitendra Kishore Baghasingh v. State of Orissa* (supra) where Their Lordships observed that if there is dispute for claim of grant-in-aid, the matter is covered under Section 24-B of the Orissa Education Act. Para-18 of the said judgment is quoted below: "18. As noted earlier, Petitioners in W.P.(C) No.10295 of 2003 and W.P.(C) No.5803 of 2004 only advance their claim for grant-in-aid. Since the matter relating to claim of grant-in-aid by the Petitioner in W.P.(C) No.10295 of 2003 is a matter within the jurisdiction of State Education Tribunal in accordance with the provision in Section 24-B of the Act, therefore, we do not entertain the prayer. If so legally advised, Petitioner may put forth his claim before the appropriate forum in accordance with law. Since the Writ Petition was filed on 30.09.2003, Petitioner may apply for condonation of delay, if any, under Section 5 read with Section 14 of the Indian Limitation Act and in that event such application be liberally considered by the Learned Tribunal, provided appropriate application is filed within a period of two weeks.

xxx xxx xxx"

30. With due regard to the aforesaid decision, it appears that if the subject matter is to be adjudicated under Section 24-B of the Orissa Education Act, same should not be decided by the Court as the efficacious remedy is available.

31. Learned counsel for the petitioners submitted that Section 24-B is not concerned with the salary but it is concerned with the payment or non-payment of grant-in-aid. Since the School is a grant-in-aid School, the question of application of Section 24-B does not arise. There is force with the submission of the learned counsel for the petitioners because Section 24-B of the Orissa Education Act categorically states that the Tribunal has got jurisdiction, power and authority to adjudicate all disputes with regard to eligibility, entitlement, payment or nonpayment of grant-in-aid. So, the writ is maintainable. The contention of the learned counsel for opposite party no.4 is indefensible.

32. In view of the aforesaid discussions made hereinabove, the Court is of the view that the petitioners being regular in their job and attending sincerely, they are entitled to equal pay or salary from March 2013 to March 2017. If the School is again recognized by the State Government in the meantime, they are also entitled to arrear salary for such other period. Hence, the Court direct the opposite party No.4 to submit the pay bill of the petitioners from March 2013 till March 2017 to the opposite party No.3 within a period of four weeks from today and opposite party No.3 is directed to disburse the arrear salary to the

petitioners for this period within a period of four weeks from the date of receipt of the pay particulars. It is made clear that if opposite party No.4 does not file any pay bill of the petitioners within said four weeks, opposite party No.3 would directly draw and disburse the arrear salary of the petitioners for the aforesaid period and at the same time would not hesitate to take disciplinary action strictly in accordance with law against the opposite party No.4 for disobedience of the order of this Court besides keeping the matter open for contempt proceeding against opposite party No.4. It is made clear that at no cost any indiscipline or any disobedience would be tolerated by whomsoever as the law is supreme and human being not above the law. The writ petition is disposed of accordingly.