
(2002) 06 OHC CK 0012
In the Orissa High Court
Case No : O.J.C. No. 1302 of 2002

Pradip Kumar Patra

APPELLANT

Vs

State of Orissa and Others

RESPONDENT

Date of Decision : 20-06-2002

Acts Referred:

Orissa Education Act, 1969 — Section 7C

Citation : (2002) 94 CLT 518 : (2002) OLR 627 Supp

Hon'ble Judges : P.K. Balasubramanyan, C.J.;A.S. Naidu, J

Bench : Division Bench

Advocate : S.N. Sahoo, R.K. Mohanty and S. Dash, for the Appellant; A.G.A., for the Respondent

Judgement

P.K. Balasubramanyan, C.J.—Heard both sides. The prayer in this writ petition is for the issue of a direction to the opposite parties to take necessary steps for payment of arrears of salary of the petitioner for the period from June, 1992 to February, 1998 within a period to be stipulated by this Court. When this matter came up earlier, we directed the learned Additional Government Advocate to get instructions in the light of the allegations made in the writ petition supported by relevant materials. Today, the learned Additional Government Advocate has submitted on instructions, that the petitioner was eligible for the arrears of grant-in-aid for the period from June, 1992 to February, 1998, but the same could not be released due to constraints a resources faced by the State Government. It is also submitted that the State Government, at the moment is not in a position even to fully meet the requirement of the salary component for the twelve months of the year of the non-government aided colleges. It is further submitted that as soon as the financial condition of the State Government improves and the necessary budget provision is made for the purpose, the prayer for the arrears made by the petitioner will be considered sympathetically along with claims of others.

2. Thus, what is pleaded by the opposite parties is that due to financial

constraints they are not able to perform their obligation of making available the grant to the aided colleges. It is also seen that this situation is not peculiar to the petitioner. It is of a general nature. The arrear salary of the teachers of aided colleges are not being paid regularly. In this situation, we do not think it proper to give a direction to the opposite parties in the case of petitioner alone. We are therefore satisfied that the only relief that can be granted in the circumstances is to direct the State Government to discharge its obligation for release of the grant-in-aid u/s 7-C of the Orissa Education Act and ensure that the component of grant-in-aid to the teachers is paid by the Government at the earliest. It must be remembered that it is the duty of the Government to make payment of the salary or a part of the salary or the unpaid portion of the Salary of the teachers concerned and it is not possible for the Government to postpone its obligation indefinitely.

3. We, therefore, direct the State of Orissa and the other opposite parties to take expeditious steps to meet its obligation u/s 7-C of the Orissa Education Act and to make payment of the arrears, if any, in an orderly, proper and even handed manner. The Government should ensure that there is no discrimination of any one or the extending of the favour to a few.

4. The writ petition is disposed of with the above direction.

5. Urgent certified copy of the order be issued on proper application.

A.S. Naidu, J.

6. I agree.