
(2003) 11 OHC CK 0024
In the Orissa High Court
Case No : O.J.C. No. 972 of 2002

Sri Krushna Chandra Mohanty	Vs	APPELLANT
State of Orissa and Others		RESPONDENT

Date of Decision : 04-11-2003

Acts Referred:

Orissa Education Act, 1969 — Section 3

Citation : (2003) 11 OHC CK 0024

Hon'ble Judges : B.P. Das, J

Bench : Single Bench

Advocate : S.K. Acharya and N. Behuria, for the Appellant; S.N. Mishra, ASC, for the Respondent

Final Decision : Allowed

Judgement

B.P. Das, J.—Heard Shri S.K. Acharya, learned Counsel for the Petitioner and Shri S.N. Misra, learned Standing Counsel for the Schools and Mass Education Department.

2. The Petitioner in this writ petition has sought for a direction to the opposite parties to grant him the trained graduate scale of pay with effect from the date of his acquiring the B.Ed. qualification, i.e., 29.8.1979, along with all arrears dues.

3. The grievance of the Petitioner in the present writ petition is that he was appointed as a Sectional Teacher in Marichpur High School, Balikuda, against duplication of Class IX and the same having been declared by the State Govt. as a Trained Graduate post, the Petitioner is entitled to the trained graduate scale of pay since the revised staffing pattern provided the sectional post with the character of trained graduate post from the date of acquiring B.Ed. qualification, i.e., on 29.8.1979. The school in question is an aided educational institution (taken over High School) within the meaning of Section 3(b) of the Orissa Education Act, 1969. The Petitioner was appointed by virtue of Annexure-1 dated

29.8.1978 and he acquired the B.Ed. qualification on 29.8.1979. It is stated that previously additional sectional post of Class IX was a trained intermediate post, but the staffing pattern was revised with effect from 1.7.1981 by virtue of letter of the Govt. bearing No. 28465-EYS dated 8.7.1981, which provided that for each of the additional Section in Class VIII, IX and X, one additional trained graduate teacher would be admissible. According tot he learned Counsel for the Petitioner, by virtue of the aforesaid 1981 staffing pattern, the sectional post of Class IX(B) was treated as a trained graduate post. Hence, the Petitioner is entitled to T.G. Scale of pay with effect from 1.7.1981. My attention is drawn to letter No. 28503(3)-EYS dated 18.6.1983 of the Govt. of Orissa in Education Department addressed to the Director, Secondary Education, Orissa, wherein it is stated that untrained graduates working against trained graduate posts will be eligible to the higher scales of pay for trained graduate teachers without prior approval of the State Govt. when they acquire the B.Ed. qualification. The claim of the Petitioner is based upon the letters as indicated above, more specifically on the letter dated 8.7.1981 regarding fixation of standard staff for the Non-Govt. Secondary Schools.

4. The above being the factual matrix of the case, if the Petitioner comes within the purview of letter No. 28465-EYS dated 8.7.1981, the benefits claimed by the Petitioner shall be computed and paid to him within a period of six months hence.

The writ petition is accordingly allowed. No cost.