

(1997) 04 SC CK 0100

In the Supreme Court Of India

Case No : Civil Appeal No's. 3179 with 3180-3201 of 1997, etc. (arising out of SLP (C) No. 23835 of 1996 with 18921, 21506, 21516 of 1996 and 3839, 4560, 5216, 5868, 7924, 7926-28, 8456-57, 8461-67, 8774 and 9775 of 1997)

State of Orissa and others, etc.

APPELLANT

Vs

Niranjan Nayak and another, etc.

RESPONDENT

Date of Decision : 21-04-1997

Acts Referred:

Citation : AIR 1997 SC 2621 : (1997) AIRSCW 2579 : (1997) 84 CLT 370 : (1997) 5 JT 374 : (1997) 4 SCALE 19 : (1997) 10 SCC 112 : (1998) SCC(L&S) 232 : (1997) 3 SCR 897 : (1997) 4 Supreme 500

Hon'ble Judges : K. Ramaswamy, J;D. P. Wadhwa, J

Bench : Division Bench

Advocate : Jana Kalyan Das and S. Misra, for P.N. Misra, for the Appellant; A. Mariarputham, Mohan Kr. Mohanty, Ms. Aruna Mathur and Jaya Salva, for the Respondent

Final Decision : Allowed

Judgement

K. Ramaswamy and D.P. Wadhwa, JJ.—Leave granted.

2. We have learned Counsel on both sides.

3. These appeals by special leave arise from the judgment of the Orissa High Court, made on April 19, 1995 in O.J.C. No. 1196 of 1994 and batch.

4. The Government has prescribed April 1, 1981 as the cut off date for acquisition of the qualification and those who have acquired the qualifications prior to that date are entitled to the additional amounts as prescribed under the Rules. The High Court has allowed writ petitions without reference to the relevant Rules. It is settled law that the cut off date has to be valid and bears reasonable relationship to the object sought to be achieved.

5. It is stated that the teachers are relying upon Rule 9 of 1974 Rules. We are

informed that several writ petitions are pending in the High Court on the basis of Rule 9. In that view of this matter, it may be desirable that all these matters be decided by the High Court.

6. Taking an over all view of all the facts, the appeals are allowed. The judgment of the High Court stands set aside. The High Court is at liberty to consider the matter afresh. Learned Counsel for the respondents states that orders were implemented subject to the result of the appeals. Implementation of the order does not stand on the way of the High Court is have the matters examined. No costs.