

(2024) 05 OHC CK 0073

In the Orissa High Court

Case No : Writ Petition (C) No. 10544 Of 2024

Suresh Kumar Behera & Ors

APPELLANT

Vs

State Of Odisha & Others

RESPONDENT

Date of Decision : 06-05-2024

Acts Referred:

Citation : (2024) 05 OHC CK 0073

Hon'ble Judges : Sashikanta Mishra, J

Bench : Single Bench

Advocate : J.R.Khuntia, A.R. Dash

Final Decision : Disposed Of

Judgement

Sashikanta Mishra, J

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioners and learned Addl. Government Advocate for the State.
3. The petitioners have approached this Court seeking the following relief:

"Under the above circumstances, it is humbly prayed that the writ application be allowed; And

(a) a writ of mandamus or any other appropriate writ, direction or order by directing the Opposite Parties to treat the petitioners to be absorbed as Sikshya Sahayak with effect from the year 2008 since the petitioners are engaged in the vacant post of Sikshya Sahayaks and are having the same qualification as that of the Sikshya Sahayak and are performing the same duty that is available for Sikshya Sahayaks in a primary school as per the policy decision of the State Government and accordingly to treat the petitioners as Junior Teacher with effect from the year 2011 and Regular Primary School Teacher with effect from the year 2014, in terms of the Resolution of the Government dated 16.02.2008 and also

in terms of the law decided by this Hon'ble Court in the case of Dhananjaya Charan Dey Vrs. State of Orissa and others, reported in 2020 (II) ILR-Cut-84, which has been upheld by the Division bench of this Hon'ble Court in W.A. No. 10 of 2021, disposed of on 02.02.2021 and so also which has been confirmed by the Hon'ble Supreme Court in SLP(C) Nos. 13627 of 2021, decided on 25.01.2023 (State of Odisha and Ors. Vrs. Dhananjaya Charan Dey and Ors.) within a time to be stipulated by this Hon'ble Court; And

(b) any other order/orders or direction/ directions be issued so as to give complete relief to the petitioners;

And for this act of kindness, the petitioners shall as in duty bound ever pray.

4. The petitioners were working as Education Volunteers under Education Guarantee Scheme (EGS). Consequent upon abolition of the said scheme, the Government by resolution dated 16.02.2008 decided to upgrade the erstwhile EGS Centers to Regular Primary Schools and the Education Volunteers were to be rehabilitated as Gana Sikshyakas under the Sarba Sikshya Abhijan. It was also decided that these Gana Sikshyakas would be rehabilitated in such Schools provided they have the requisite training. It is the grievance of the petitioners that they have not been conferred with the benefits of career advancement policy despite making several requests to the authorities in this regard. It is further stated that a Coordinate Bench of this Court in the case of Dhananjay Charan Dey & Ors. vs. State of Orissa & Ors 2020(II) ILR-CUT-84 held that the period of service rendered by the petitioner as Gana Sikshyaka shall be included for the purpose of extending the benefit of career advancement policy.

5. Since it is for the concerned authority to take a decision on the grievance of the petitioners at the first instance, the writ petition is disposed of granting liberty to the petitioners to approach the Secretary, Department of School and Mass Education (Opposite Party No.1) by submitting representations individually highlighting their grievances and in such event the Secretary shall consider and dispose of the representation of the petitioners as early as possible, preferably within a period of three months from the date of communication of this order or on production of certified copy thereof by the petitioner under intimation to them.

.....