

[O. H. C.-97-A]

MANOJA KUMAR
KHUNTIA, A.G.A

In the High Court of Orissa

ORDER SHEET

BLAPL W. P. (C) No. _____ of 20 23

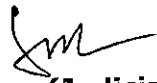
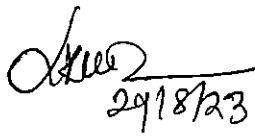

WA No. 2165/2023

STATE OF ODISHA
Versus

Petitioner

RAJIB LOCHAN MOHANTY

Opposite-Party

Sl. No. of Order	Date of Order	ORDER WITH SIGNATURE	Office note as to action (if any), taken on Order
			<p>PRESENTED ON 26/08/2023</p> <p>Register and Put up for Orders</p> <p> Registrar (Judicial)</p> <p>FOR S. R</p> <p> 29/8/23</p> <p> KALI SHANKAR RAO ADDL. STAMP REPORTER</p>



FC127677

SCANNED



IN THE HIGH COURT OF ORISSA AT CUTTACK
W.A. No. 2165 of 2023

State of Odisha and another *Appellants*
Mr. Bimbisar Dash, Addl. Government Advocate
-versus-
Rajib Lochan Mohanty *Respondent*

CORAM:
HON'BLE THE CHIEF JUSTICE
HON'BLE MISS JUSTICE SAVITRI RATHO

Order No. ORDER
03.12.2024

01. This matter is taken up through Hybrid mode.

I.A. No.5871 of 2023

2. This application has been filed by the appellants for dispensing with filing of certified copy of the order dated 02.12.2022 (Annexure-1).

3. Mr. Bimbisar Dash, learned Additional Government Advocate appearing on behalf of the appellants undertakes to file the certified copy of the impugned order within a week.

4. Considering the aforementioned submission, filing of the certified copy of the order under Annexure-1 is dispensed with for the time being. Let the certified copy of the order be filed within a week as undertaken.

5. The application stands disposed of.

W.A. No.2165 of 2023

6. List this matter on 10.12.2024.


(Chakradhari Sharan Singh)
Chief Justice


(Savitri Ratho)
Judge

IN THE HIGH COURT OF ORISSA

Case No. WA 2165/2023

OFFICE NOTES

Sl. No. of Order for compliance	Date of Order for compliance	Notes and action taken on order with signature of Dealing Assistant and Superintendent
01	03.12.2024	<p>(i) I.A NO. 5870 of 2023 is at Flag "A" for condonation of delay.</p> <p>(ii) I.A NO. 5871 of 2023 is at Flag 'B' for dispens with for filing of certified copy.</p> <p>(iii) Defect NO. 9 as per SR is not removed.</p> <p>For orders</p> <p>Alongwith W.P(C) 7541/2022. (disp. of case)</p> <p>Akash Pradhan 31.08.2024 02.12.2024</p> <p>D.B</p> <p><i>[Signature]</i> 2/12/24 C. copy of impugn order filed, and legible copy of page 93 to 95 for removal of defect no. 9 filed.</p> <p>Order NO - 1</p> <p>(i) I.A NO. 5870 of 2023 is at Flag (A) for former order regarding condonation of delay.</p> <p>(ii) Defect NO. 9 as per SR not removed</p> <p>For orders</p> <p>Alongwith W.P(C) 7541/2022 (a disp. of case)</p> <p>Akash Pradhan 07.12.2024</p> <p>D.B Act to dt. 10.12.2024</p> <p><i>[Signature]</i> 2/12/24</p>



ORISSA HIGH COURT
FILING ACKNOWLEDGEMENT SLIP

CNR

ODHC010681272023

Filing No

WA/0002165/2023

Date and Time

26/08/2023-11:47:29

Misc Case/IA

5870/2023,5871/2023,5872/2023

Petitioner Name

STATE OF ODISHA

Petitioner Advocate Name

MANOJA KUMAR KHUNTIA,A.G.A

Respondents Name

RAJIB LOCHAN MOHANTY

Respondents Advocate

Amount

Police Station

FIR



Saturday 26th of August 2023 12:58:07 PM

1. AND / AD / CMA / CMPAT / CMPMC / CMA / CRMC / CRRE / CRRV
CVA / VCRRF / CVREV / CRV / DREF / EC / PE / PA / GA / JCRA
JCRM / JCRREV / NA / NJC / MREF / OCMC / QJC / OS / SA
SCA / SJC / SM / SN / TA / TMO

Case Type W.A. No. 2165 / 2023

Date of Regn. _____

2. If 'State' is a Party, Name the Deptt.: (Pet/Res) (Put mark)

School & Mass Education Department

If Public Undertakings (Specify name): (Pet/Res) (put mark)

3. (a) Number of category with sub-category under which the matter falls:

3 1

0 2

0 0

If OTHERS, Specify the subject

(b) Which is applicable? (put mark)

(Single Bench/Div. Bench/Three Judge Bench/Five Judge Bench)

4. Article of the Constitution/Act (Central/State) (Put mark)

5. Section/Sub-Section involved:

6. Rules involved All application under Chapter 10 of
Patent Act 1970 Appeal filed with Article 4 of C.H.C.

7. Whether any other matter is pending in this Court on the same point of law:

If so, give the number of matter 1

8. Whether any other matter is pending against the impugned order/ judgement?

If so, give the number of matter 1

9. Whether the matter is covered by any judgment of the Supreme Court, this Court or any other High Court, if so give details of the judgement:

10. Point of law involved in the matter. Challenging the
Order of 02/12/2022.

Cutack

DT - 25/08/2023

cent
MANOJA KUMAR KHUNTIA
Additional Govt. Advocate
B.C.E No.-O-98/1994
M-9437168044

High Court of Orissa Acknowledgement



CNR : ODHC010681272023

Efiling No : AOD20220001895C202300486

Filing No. : WA/2165/2023

Date of Filing : 26-08-2023

Petitioner : STATE OF ODISHA

Time of Filing : 11:47:29

Petitioners : MANOJA KUMAR

Respondent : RAJIB LOCHAN

Advocate : KHUNTIA,A.G.A

MOHANTY

: 0.00

[Print](#)



STAMP REPORT

CASE NO.....

W.A. No. 268/20

LIMITATION

Date of Judgement Awards

Date of Valid Presentation

Total Period Occupied 267 day

Limitation 30 day

Certified Copy Period 30 day

Delay in filing 237 day

21/12/22
26/12/22

1. In time Expired on

2. Period of delay 237 days

3. Court Fee

4. Authentication fee due on the

(a) Copy of Trial Court Judgement

Rs..... Decree Rs.....

(b) Appellate Court Judgement Rs.....

Decree Rs.....

5. (a) Copy of Trial Court Judgement/Order

(b) Appellate Court/Revisional Order
Judgement

(c) Second Copy Petition

(d) Receipt showing copy on A.G.

(e) Vakalatnama properly stamped,
Executed and accepted

6. (a) Cause Title

(b) Provision of Law

7. Code

8. Single Judge/Division Bench Case

9. Other Defects

STAMP REPORTER

KALI SHANKAR RAO

STAMP REPORTER

Pays no 93 to 95
not visible

8/9/20

IN THE HIGH COURT OF ORISSA : CUTTACK.

W.A. No. 2165 of 2023

(Arising out of W.P. (C) No. 7541 of 2022
disposed of on 02.12.2022.)

Code No. 310200

State of Odisha and Others. ... Appellants.

-Versus-

Rajib Lochan Mohanty ... Respondent.

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Cuttack.

Date : 24.08.2023 O/O the A.G., Odisha, Cuttack.

MANOJA KUMAR KHUNTIA

Additional Govt. Advocate

B.C.E No.-O-98/1994

M-9437168044

SYNOPSIS

The Respondents were initially engaged as a Gana Shikhyak by the District Project Coordinator, SSA, Nayagarh with prior approval of the Collector-cum-CEO, Zilla Parishad, Nayagarh. The Government in School and Mass Education Department, Odisha, Bhubaneswar vide Notification No. 25290/S&ME Dated 22.12.2016 issued modalities for regularisation of Gana Shikhyakas.

The Government in School and Mass Education Department also vide Letter No.17864/SME dated 18.09.2017 created 563 numbers of Level-V Assistant Teacher(ex-cadre) for Nayagarh District. Thereafter 02 No. clarification letter issued by the S & ME Department vide Letter No. 17960/SME dated 20.09.2017 and No. 18240/SME dated 23.09.2017 for regularisation of Gana Shikhyaka.

That, while verification is going on for regularisation of Gana Shikhyakas, one Sri Balabhadra Majhi(petitioner in W.P.(C) No. 15345/2022) filed a case before the Court of the Collector, Nayagarh vide Misc Case No. 01/2018 with a prayer to regularise his service as Level-V Asst. Teacher (ex-cadre). On dated 01.01.2018, the Collector & D.M., Nayagarh passed order not to take any decision on regularisation of Gana Shikhyakas until further orders.

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That, while finalizing the Misc Case No. 01/2018 on dated 20.04.2018, the Collector & D.M., Nayagarh passed order, there is no justification by the District Education Officer, Nayagarh not to include the name of the petitioner for regularization of service. In the meantime, the State Govt. vide letter dated 21.05.2018 directed the authorities not to regularize any Gana Shikhyaka who does not possess OTET qualification as per order dated 24.04.2018 of the Hon'ble Court passed in W.P.(C) No. 4684 of 2018.

Being aggrieved, the present Respondent filed Writ petition bearing WPC No. 7541 of 2022 which was disposed on 02.12.2022 by the Hon'ble High Court and directs the opposite parties to regularise the service of the respondent as Level-V Asst. Teacher on completion of eight years as Gana Shikhyaka, as per the notification dated 22.12.2016.

The State appellants being aggrieved by the order dated 02.12.2022 of the Hon'ble Single Judge, approached this Hon'ble Court in the aforesaid writ appeal.

Cuttack.

Date : 24.08.23


Addl. Government Advocate,
O/O the A.G., Odisha, Cuttack.

MANOJA KUMAR KHUNTIA
Additional Govt. Advocate
B.C.E No.-O-98/1994
M-9437168044

Appendix-II

C

LIST OF DATES & EVENTS

Date	Events
10.07.2008	The Respondent was initially engaged as Gana Shikhyka vide office order dated 10.07.2008 by the District Project Coordinator, SSA, Nayagarh.
22.12.2016	The Government in School and Mass Education Department vide Notification No. 25290/ S, & ME dated 22.12.2016 issued modalities for regularization of Gana Shikhyakas
18.09.2017	The Government in School and Mass Education Department vide Letter No. 17864/SME dated 18.09.2017 created 563 numbers of Level-V Assistant Teacher(ex-cadre) for Nayagarh District.
20.09.2017	The Government in School and Mass Education Department vide letter No. 17960 dated 20.09.2017 issued clarification regarding regularization of Gana Shikhyakas .
23.09.2017	The Government in School and Mass Education Department vide letter No. 17960 dated 20.09.2017 issued another clarification regarding regularization of Gana Shikhyakas.
01.01.2018	Collector & D.M., Nayagarh passed order dated 01.01.2018 not to take any decision on regularisation of Gana Shikhyakas until further orders on the Misc Case No. 01/2018 filed by the respondent.
20.04.2018	While finalised the Misc Case No. 01/2018, the Collector & D.M., Nayagarh passed order dated 20.04.2018 for regularisation of the service of the respondent.

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24.04.2018 21.05.2018	As per order dated 24.04.2018 of the Hon'ble Court passed in W.P.(C) No. 4684/2018 filed by Odisha Vikash Parishad, the School and Mass Education Department vide letter dated 21.05.2018 direct the authorities not to regularise any Gana Shikhyka who does not possess OTET qualification.
31.03.2019	As per the Govt. Notification dated 22.12.2016 Such Gana Shikhyak is required to pass OTET within 31.03.2019, if he has not passed OTET earlier. If she/he does not pass the OTET by such date, she/he will not be eligible to any further increment after 31.03.2019.
13.07.2021	The W.P.(C) No. 4684/2018 filed by Odisha Vikash Parishad was dismissed as withdrawn vide order No. 30 dated 13.07.2021 of the Hon'ble Court.
2022	The present Respondent filed W.P.(C) No. 7541 of 2022 with a prayer for regularisation of petitioner's service as Level-V Assistant Primary School Teacher in accordance with notification dtd. 25.7.2016 and notification dtd. 22.12.2016,
11.11.2022	The W.P.(C) No. 15345 of 2022 filed by Sri Balabhadra Majhi was disposed of the Hon'ble Single judge.
02.12.2022	The writ petition was disposed of by the Hon'ble Single judge in the light of order dated 11.11.2022 passed by the Hon'ble Court in W.P.(C) No. 15345 of 2022 filed by Balabhadra Majhi and the same is impugned in the present writ appeal.

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Cuttack.

Date : 24.08.2022

Addl. Government Advocate,

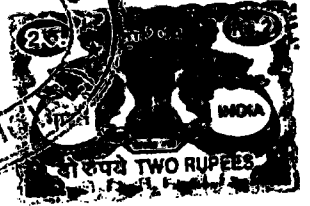
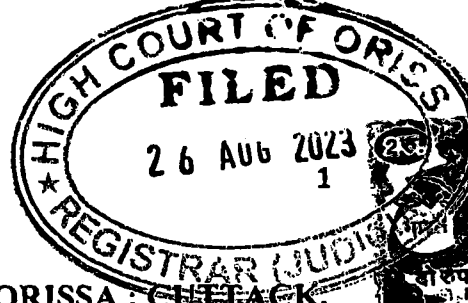
O/O the A.G., Odisha, Cuttack.

MANOJA KUMAR KHUNTIA

Additional Govt. Advocate

B.C.E No.-O-98/1994

M-9437158044



IN THE HIGH COURT OF ORISSA : CUTTACK.

W.A. No. 2165 of 2023.

(Arising out of W.P. (C) No. 7541 of 2022
Disposed of on 02.12.2022.)

Code No. 310200

IN THE MATTER OF :

An application under Clause 10 of Letter Patents Appeal read with Article 4 of Orissa High Court Order, 1948 read with Rule-2 of Chapter-VIII, O.H.C. Rules, 1948.

AND

IN THE MATTER OF :

Presented on 26/8/2023
sm
Registrar (Judicial)

A Memorandum of appeal challenging the Order dated 02.12.2022 passed by the Hon'ble Single Judge in W.P. (C) No. 7541 of 2022.

AND

IN THE MATTER OF :

1. State of Odisha, represented through the Commissioner-cum-Secretary to Govt., School and Mass Education Department, At-Lokseva Bhawan, Po-Bhubaneswar, Dist-Khurda.
2. Director, Elementary Education, Odisha, At-Heads of the Department Building, At/Po/PS-Bhubaneswar, Dist - Khurda.

... Appellants.

(Opp. Party No. 1 & 2 in the Writ Petition.)

cert
MANOJA KUMAR KHUNTIA
Additional Govt. Advocate
B.C.E No.-O-98/1994
M-9437168044

Rajashree Pattanaiah
District Education Officer
Nayagam.

-Versus-

Rajib Lochan Mohanty aged about 40 years, S/o- Prahallad Mohanty, At- Kosakata, Po- Sampada, Ps-Nuagaon, Dist- Nayagarh presently Gana Shikhyka at Krushnaprasad Govt. U.P. School, At- Krushnaprasad, PO-Sikrida, Dist- Nayagarh;

(Petitioners in the Writ Petition.)

... Respondent.

The matter out of which this writ appeal arises was before this Hon'ble Court in W.P. (C) No. 7541 of 2022, which was disposed of on 02.12.2022 by the Hon'ble Single Judge.

TO

THE HON'BLE CHIEF JUSTICE, ORISSA HIGH COURT AND HIS LORDSHIPS COMPANION JUSTICES OF THE SAID HON'BLE COURT.

The humble petition of the appellants named above:

cert
MANOJA KUMAR KHUNTIA
Additional Govt. Advocate
B.C.E No.-O-98/1994
M-9437168044

Rajashree Pattanach
Disputed Education Officer
Nayagam.

MEMORANDUM OF APPEAL:

1. That, the appellants above named, who are the functionaries of the State of Odisha, have filed aforesaid intra-court of appeal challenging the order dated 02.12.2022 passed in W.P.(C) No. 7541/2022 by the Hon'ble Single Judge, wherein the Hon'ble Single Judge passed the following order:

“ XXX XXX XXX

Therefore, in view of the detailed reasons stated Judgment dated 11.11.2022 passed by this Court in W.P.(C) No. 15345 of 2022(Balabhadra Majhi V. State of Odisha and Ors), this Writ Petition stands disposed of in terms of the said Judgment.”

XXX XXX XXX

Copy of the order dated 02.12.2022 in W.P. (C) No. 7541 of 2022 passed by the Hon'ble Single Judge is annexed herewith as Annexure-1.

2. That, the Hon'ble Single Judge while disposed of the W.P.(C) No. 15345 of 2022 filed by Balabhadra Majhi Vrs State and others passed the order dated 11.11.2022 as follows:

“ XXX XXX XXX

Taking into consideration the factual and legal aspects, as delineated above, this

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MANOJA KUMAR KHUNTIA
Additional Govt. Advocate
B.C.E No.-O-98/1994
M-9437168044

Rajashree Pattanai
District Education Officer
Nayagarh.

Court is of the considered views that the opposite parties cannot deny the benefit of regularisation of service to the petitioner as Level-V Asst. Teacher, as the petitioner has got requisite academic qualification and has also acquired training qualification and otherwise also satisfies the eligibility criteria for regularisation. Therefore, for non-acquisition of OTET qualification, he cannot be denied the benefit of regularisation. If the petitioner has not acquired OTET qualification by 31st March 2019, he may not be entitled to incremental benefit, but that ipso facto cannot deny the benefit of regularisation to him. Accordingly, this Court directs the opposite parties to regularise the service of the petitioner as Level-V Asst. Teacher on completion of eight years as Gana Sikshyak, as per the notification dated 22.12.2016. As he has already retired from service, he should be extended such benefit notionally from the date of completion of eight years as Gana Sikhyaka by regularising his service as Level-V Asst. Teacher. Since the petitioner has already retired, his pension

Rajeshwar Pottanach
District Education Officer
Nayagadh.

cert

be revised and he should be granted pensionary benefits in the revised scale of pay admissible to him by fixing the same notionally, as expeditiously as possible, preferably within a period of three months from the date of communication of this judgement.

XXX XXX XXX"

Copy of the order dated 11.11.2022 in W.P. (C) No. 15345 of 2022 passed by the Hon'ble Single Judge is annexed herewith as Annexure-2.

3. That, the present appellants are functionaries of the State of Odisha and the cause of action for filing the intra-court of appeal arises within the territorial jurisdiction of this Hon'ble Court.

4. That, bereft of all unnecessary details the case of the present respondent before the Hon'ble Single Judge as follows:

4.1 That, the present Respondents/Opp. Parties worked as Gana Shikhyak duly appointed by the DPC. SSA, Nayagarh under Sarba Sikhya Abhiyan Scheme and imparted services in different primary schools under Nayagarh District.

4.2 That, while the present Respondents/Opp. Parties were continuing as such, the School and

Rajashree Pattanai
District Education Officer,
Nayagarh.

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Mass Education Department vide Notification No. 25290 dated 22.12.2016 has issued modalities for regularization of Gana Shikhyaks as below:-

I) The Gana Sikshyaks who have completed 8 years of regular and continuous engagement and have possessed educational and training qualification as mentioned at para(2) below will be regularized as Level-V Assistant Teacher(ex-cadre) equivalent to Level-V teacher of Elementary Cadre.

II) For regularization as Level-V Assistant Teacher(ex-cadre), a Gana Sikshyak must be possessing educational and training qualification as given below:-

(a)(i) Higher Secondary(+2 or its equivalent) and 2 year Diploma in Elementary Education (C.T.) or Higher Secondary(+2 or its equivalent) and 2 year Diploma in Education (Special Education); or Graduate in Arts/ Science and 2 year Diploma in Elementary Education or Graduate in Arts/ Science and 2 year Diploma in Education(Special Education); and must have Odia as MIL up to Class-VII or pass in Odia Language test equivalent to M.E. standard conducted, or declared equivalent, BSE(Odisha); or

Rajashree Pattanayak
District Education Officer
Nayagarh.

cert

(ii) Graduation in Arts/ Science and 1 year Bachelor in Education(B.Ed) or Graduation in Arts/ Science and 1 year B.Ed (Special Education); or Higher Secondary(+2 or its equivalent) and 4 years Bachelor in Elementary Education or Higher Secondary(+2 or its equivalent) and 4 years B.A./B.Sc. Ed. Or B.A. Ed./ B.Sc Ed., and must have Odia as MIL up to Class-X or pass in Odia Language test equivalent to Xth standard conducted, or declared equivalent, by BSE(Odisha)

(b) Such Gana Sikshyak is required to pass OTET within 31.03.2019 if he has not passed OTET earlier. If she/he does not pass the OTET by such date, she/he will not eligible to get any further increment after 31.03.2019.

4.3 That, the Government in School and Mass Education Department also vide Letter No.17864/SME dated 18.09.2017 created 563 numbers of Level-V Assistant Teacher(Ex Cadre) to be filled up from among the eligible Gana Sikshykas who have completed 8(eight) years regular and continuous engagement and have possessed requisite education and training qualification as mentioned in S & ME Department Notification No. 25290/SME dated 22.12.2016.

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Rajashree Pattanai
District Education Officer
Nayagarh.

4.4 That, it is humbly submitted that, pursuing Govt. letter No. 25290/SME dated 22.12.2016 and letter No. 357 dated 05.01.2017, No. 9427 dated 27.05.2017 and D.O. No. 21/DEE dated 27.07.2017 of Director, Elementary Education, a list of 487 trained Gana Shikhyakas who were found eligible for appointment as Level-V Asst. Teacher was sent to the Directorate vide letter No. 4656 dated 10.08.2017 for favour of necessary action. Besides a copy of the proceedings of the selection committee meeting held on 06.07.2017 and 05.08.2017 under the chairmanship of Collector-cum- Chairman, District Selection Committee was also sent to the Directorate. That, prior to approval of the selected Gana Shikhyakas as Level-V Asst. Teacher, the SPD, OPEPA vide his letter No. 6636 dated 24.08.2017 directed the DPC, Nayagarh for publication of the list and Biodatas in his office Notice Board and invite objection if any from the stake holders if something wrong noticed by them after proper scrutiny.

4.5 That, before issue of appointment order on the demands of the Gana Shikhyaka Mahasangha, Govt. issued a clarification letter relating to validity of permission given to them by Departmental Officials for prosecuting higher qualification vide Letter No. 17960/ SME dated

encl 5

Rajashree Patanah
District Education Officer
Nayagarh.

20.09.2017 and 18240/ SME dated 23.09.2017.
In the above two letters, it is clarified by Govt.
that,

- a. The Gana Shikhyakas who have acquired higher qualification as non-collegiate candidate by obtaining permission from Competent Authority i.e. Collector or DPC can only be considered for regularization.
- b. The clarification given at point No. 3 of the Department Letter No. 17960 dated 20.09.2017 is hereby explained further. SPD, OSEPA issued a circular on 07.04.2010 intimating that Collector is the competent authority to issue permission to Gana Shikhyakas for obtaining higher qualification. From 16.02.2008 to 07.04.2010, there was no instruction issued on competent authority to issue permission for obtaining higher qualification. In view of the above it is considered to allow the permission issued by others like C.I. of schools, D.I. of Schools, BDOs, S.I. of Schools, BRCCs and HMs during 16.02.2008 to 07.04.2010. After 07.04.2010, permission

Rajashree Patanishi
District Education Officer
Nayagarh.

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from the competent authority only be considered.

4.6 That, while verification is going on for regularization of Gana Shikhyakas at that time, one Sri Balabhadra Majhi, Gana Shikhyaka (Petitioner in W.P.(C) No. 15345/2022) filed a Case before Court of the Collector, Nayagarh Vide Misc Case No. 01/2018 with a prayer to regularized his service as Level-V Asst. Teacher (ex- cadre), in which the Collector & D.M. Nayagarh vide order dated 01.01.2018 has passed order as below:-

“District Education Officer, Nayagarh is instructed not to take any decision on regularization of Gana Shikhyaka until further orders.

It is submitted. ultimately the said Misc. Case No.01 of 2018 has been disposed of by the Collector, Nayagarh on 20.04.2018 holding that there is no justification by the District Education Officer not to including the name of the Petitioner to regularize his service, but after such final order has been passed by the Collector, Nayagarh dated 20.04.2018, this Hon'ble Court while entertaining a P.I.L. filed by Odisha Vikash Parishad, Bhubaneswar bearing No.4684

Rajashree Pattanayak
District Education Officer
Nayagarh.

cert

of 2018 that till the next date of listing, the Opp. Parties shall not regularize any Gana Sikshyak as Level-V Assistant Teacher as per the Notification dated 22.12.2016 who does not possess OTET qualification and basing on such order passed by this Hon'ble Court in the aforesaid Writ Petition, the State Government in its letter dated 21.05.2018 directed the authorities not to regularize in Gana Sikshyak as Level-V Assistant Teacher who does not possess OTET qualification.

5. That, the present respondent/ Opp. Party being aggrieved with the aforesaid decision of the appellants preferred writ petition bearing W.P. (C) No. 7541 of 2022, seeking a direction to regularize his service as Level-V Asst Teacher. as per Government Notification dated 22.12.2016 to pass an order commanding to the opposite parties to allow his differential arrear salaries with effect from the date of his regularization and other retirement benefits accordingly. The copy of the writ petition along with annexures are filed herewith as Annexure-3.

6. That, the present respondent/Opp. Party filed an additional affidavit which is enclosed herewith as Annexure-4.

Rajashree Pattanah
District Education Officer,
Nayagarh.

sent

7. That the present appellants after receiving notice from this Hon'ble Court filed counter to the writ application before this Hon'ble Court by denying the claim of the present respondent. Copy of said counter affidavit along with its annexures is filed herewith and marked as Annexure-5.

Being aggrieved by the aforesaid order dated 02.12.2022 in W.P. (C) No. 7541 of 2022 passed by the Hon'ble Single Judge the present appellants challenge the same on the following amongst others;

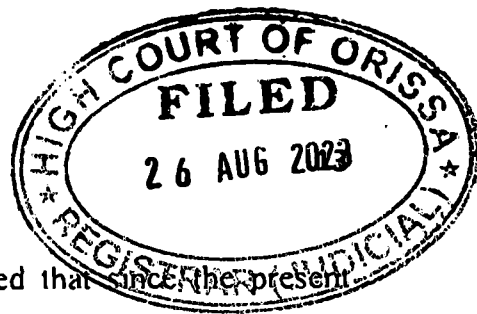
GROUNDS

A) For that, the impugned judgment by the Hon'ble Single Judge dated. 11.11.2022 under Annexure-1 is totally unjust, perverse, unreasonable and in as much as the same is contrary to law governing the field. Hence the impugned judgment is liable to be quashed.

B) For that the issue before the Hon'ble Single Judge for regularisation of service of the present respondents as Level-V Assistant Teacher and for absorption as regular Primary School Teacher under Level-V cadre, an employee has to satisfy the requirement of Elementary Cadre Rule 1997 as amended from time to time read with the provision provided under the Right of Children to Free and Compulsory Education Act, 2009 and corresponding to

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District Education Officer
Nayagarh.

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said rule 2010. It is submitted that since the present respondent is seeking regularisation/ absorption as Assistant Teacher, Level-V cadre in primary school, therefore his service concerned is governed under the aforesaid Elementary Cadre Rule 1997 read with Right of Children to Free and Compulsory Education Act, 2009 as well as Odisha Right of Children to Free and Compulsory Education Rules, 2010. Rule 23 of Right of Children to Free and Compulsory Education Act, 2009 specifically stipulates regarding qualification for appointment and terms and conditions of service of teachers, which clearly provides "any person possessing such minimum qualification, as laid down by an academic authority, authorised by the Central Government, by notification, shall be eligible for appointment as a teacher." Similarly Rule 15, Odisha Right of Children to Free and Compulsory Education Rules, 2010 also stipulates that the person to be appointed as a teacher shall be in consonance with qualification laid down by the academic authority constituted by the Central Government. Admittedly National Council of Teacher Education is the academic authority as has been notified by the Central Government and as per the NCTE norms, to be appointed as teacher one having the requisite qualification including the qualification of Teachers Eligibility Test (TET). It is further submitted that basing on such provision provided under the Central

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Act 2009, read with Rule 2010, the Elementary Cadre Rule, 1997 has also been amended in 2019 by incorporating the qualification of OTET is mandatory for becoming a teacher in elementary cadre. Therefore, unless a person has acquired the OTET qualification, he is not entitled to hold such post and the same is vital aspect had not been considered by the Hon'ble Single Judge while passing the impugned judgment. Hence the impugned judgment is liable to be quashed. Copy of NCTE Notification dtd. 23.8.2010 is enclosed herewith as Annexure-6.

C) For that the employment in educational institution having Teachers Eligibility Test has already been held mandatory by the Hon'ble Apex Court in the case of Government of Uttar Pradesh and another Versus Ananda Kumar Yadav reported in 2018, Volume 13 SCC 560, whereby the Hon'ble Apex Court after incorporating various provisions of RTE Act, 2009 as well as the recruitment rule is clearly held that acquisition of Teachers Eligibility Test qualification is mandatory for become a teacher in elementary cadre and the aforesaid judgment, which is governing the field, though has been placed before the Hon'ble Single Judge has also referred the said judgment but without giving any finding with regard to applicability of such judgment to the present case has erroneously allowed the writ petition filed by the present respondent by ignoring the provisions provided under

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the Right of Children to Free and Compulsory Education Act, 2009 and the said rules governing the field, hence the impugned judgment is liable to be quashed.

D) For that the Hon'ble Single Judge while directing for regularisation of the present respondent has lost sight of the fact that the rationality, purpose and purport of passing OJET examination as held by the Hon'ble Apex Court in the decision cited above is that "the rationale for including the TET as minimum qualification for a person to be eligible for appointment as a teacher is that it would bring national standards and benchmark to quality teaching." The object is to bring equality in the standard of the teachers, which is in the furtherance of the object in mandate enshrined in Article 14 and 16 of the Constitution of India. Hence the Hon'ble Single Judge by ignoring the same passed the impugned order, which will hit by Article 14 and 16 of the Constitution of India and is not sustainable in the eye of law.

E) For that it is humbly submitted that the present respondent while filing the writ application before this Hon'ble Court praying therein to regularise his service in accordance with notification dtd. 25.7.2016 and notification dtd. 22.12.2016 was filed before this Hon'ble Court after retirement of his service. Therefore, the prayer made by the present respondent

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in the writ application is not at all maintainable as because he has already retired by the time when he has filed the writ petition.

F) For that the Hon'ble Single Judge while passing the impugned judgment lost sight of the fact that the Central Act i.e Right of Children to Free and Compulsory Education Act, 2009 and rules framed there under by the State Government, which was passed by the Parliament is always has an overriding effect to any subordinate Legislation passed by any authority including the State Government. Therefore, the notification dtd. 22.12.2016, which was heavily relied by the present respondent in the writ application has no overriding effect to the Act passed by the Parliament and rules framed under 309 of the Constitution of India. Any notification under Article 162 of the Constitution can only be issued to fill up the gap in the rules, but it cannot be overriding effect to the act and rules. Therefore, when the act and rules specifically states that for becoming the teacher, OTET is a mandatory. merely issuing notification that cannot have overriding effect over the Act and Rules.

G) For that the Hon'ble Single Judge also lost sight of the fact that the present respondent was given the chance to complete the OTET in the service career, but the reasons best known to him, he choose not to do the OTET. So the respondent cannot get the benefit of his

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own wrong. hence the prayer for regularisation should not have been accepted.

H) For that it is humbly submitted that in exercise of powers conferred by Section 23(1) of the Right of Children to Free and Compulsory Education Act, 2009, Government of India authorised National Council of Teacher Education (NCTE) as the academic authority to prescribe minimum qualification for a person to be eligible for appointment as a teacher. NCTE vide its Notification dated 23.08.2010, published in the Gazette of India Extraordinary on 25.08.2010, prescribed the minimum qualification for a person to be eligible for appointment as a teacher wherein pass in Teacher Eligibility Test(TET) was included as one of the essential qualifications.

I) For that, pursuant to the said notification and in compliance with directive of NCTE, the Department of School and Mass Education, Government of Odisha passed Resolution No. 14302/SME dated 04.06.2012 laying down 'Guideline for conducting Teacher Eligibility Test'. The Test was applicable to all candidates possessing minimum required academic qualifications who aspired to become teachers for Classes I to VIII in the schools of State Government, Private aided and private unaided schools in the State of Odisha.

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J) For that the ST & SC Development, Government of Odisha issued a resolution dated 17.10.2013 prescribing 'Guidelines for engagement of Sikshya Sahayaks' keeping in view of the requirement prescribed under the RTE Act, 2009 and the mandatory minimum qualification criteria prescribed by NCTE in its notification dated 23.08.2010. Passing of OTET was prescribed as a mandatory requirement in the eligibility criteria prescribed under the said guidelines for consideration as an elementary school teacher not only in terms of the circular dated 17.10.2013 issued by the State Government. Hence, it is clear that, passing of Teacher Eligibility Test is a mandatory minimum qualification required to be a teacher for elementary education in terms of RTE Act, 2009 and Resolution no. 14302/SME dated 04.06.2012.

K) For that it is also a fact that this Hon'ble Court in W.P. (C) No.4684 of 2018 passed order not to regularize the service of Gana Sikshyak as Assistant Teacher who does not possess OTET qualification but the said Writ Application is ultimately dismissed as withdrawn, but after dismissal of the said Writ Petition, there is no instruction from the State Government to regularize the claim of the Gana Sikshyak who does not possess the OTET qualification. Therefore, the prayer of the Petition is devoid of merit and the same is liable to be dismissed.

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L) For that it is further submitted that as per Rule 15 and 16(5) of the RTE Rule, 2010 which is specifically provided that no appointment of teacher for any school can be made in respect of any person not possessing the minimum qualification as prescribed by the academic authority notified under sub-Section (1) of Section 23 of the Act. 2009. Therefore since the Petitioner does not have the requisite qualification to be appointed as Assistant Teacher for which he cannot take the benefit in terms of the government notification dated 22.12.2016 under Annexure-7 to the Writ Petition. Hence, the regularization of the respondent as Level-V Assistant Teacher is not at all tenable in the eye of law due to non-acquisition of the required OTET qualification.

M) For that as per modalities for regularization of Gana Sikshyaks, there is a condition that, Such Gana Sikshykas is required to pass OTET within 31.03.2019, if he has not passed OTET earlier. If she/he does not pass OTET by such date, she/he will not be eligible to get any further increment after 31.03.2019. That, increment is allowed to Govt. Employees after examination of performance of duty by the Head of Offices. Which clarifies that, such Gana Shikhyaks have to pass OTET within 31.03.2019 to be appointed as Govt. employee. There is no scope further to be appointed as Govt. employee, even if passed OTET

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after 31.03.2019. In this instant case, the respondent not passed OTET within the time line fixed by the Govt., hence, the regularization of the respondent as Level-V Assistant Teacher is not at all entitled for regularization.

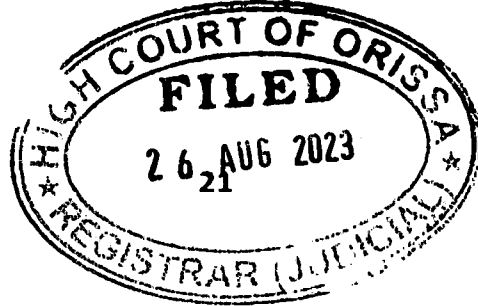
N) For that, even otherwise the impugned order passed by the Hon'ble Single Judge is bad, illegal, unreasonable suffers from serious infirmities and unless the impugned order passed by the Hon'ble Single Judge be set aside the appellants will suffer substantial loss, irreparable injury and thereby they will be very highly prejudiced

O) For that, as described above, the order dated 02.12.2022 passed by the Hon'ble Single Judge in WPC 7541 of 2022 being a clear error apparent on record, has been passed without taking in to the facts and circumstances of the case and provision of the Act and Rules governing the field. The present intra-court appeal filed by the State of Orissa deserves to be allowed by setting aside/reversing the order dated 02.12.2022 passed in W.P. (C) No. 7541 of 2022.

P) For that, in view of the aforesaid question of law the appellants invoking the intra-court appellate jurisdiction of this Hon'ble Court to examine the legality and propriety of the order passed by the Hon'ble Single Judge under Annexure-1.

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PRAYER

It is, therefore, most humbly and respectfully prayed that this Hon'ble Court may graciously be pleased to admit the appeal, call for the records of the writ petition, issue notice to the respondent and after hearing the parties; this Hon'ble Court may graciously be pleased to quash/ set aside the order dated 02.12.2022 passed by the Hon'ble Single Judge in W.P. (C) No. 7541 of 2022.

And may pass such other order/orders as may be deemed just and proper.

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

By the appellants through;

cel-
Cuttack. Addl. Government Advocate,
Date : 24.08.23 O/O the A.G., Odisha, Cuttack.

CERTIFICATE

Certified that the grounds set forth above are good grounds involving substantial question of law to be canvassed in this appeal and having prepared and filed. I undertake to support at the time of hearing if instructed.

Further certified that due to non-availability of cartridge papers plain blue papers have been used.

cel-
Cuttack. Addl. Government Advocate,
Date : 24.08.23 O/O the A.G., Odisha, Cuttack.
MANOJA KUMAR KHUNTIA
Additional Govt. Advocate
B.C.E No.-O-98/1994
M-9437168044

Rajashree Pattanai
District Education Officer
Nayagarh.

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 7541 of 2022*Rajib Lochan Mohanty*

....

*Petitioner**Mr. Umakanta Sahoo, Adv.*

Vs.

State of Odisha and others

.....

*Opposite Parties**Mr. S. Jena, S&ME*

CORAM:

DR. JUSTICE B.R. SARANGI

ORDER

02.12.2022

Order No.

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This matter is taken up through hybrid mode.

2. Heard.

3. It is agreed by learned Counsel for the Parties that the issue involved in this Writ Petition is analogous to W.P.(C) No. 15345 of 2022 (*Balabhadra Majhi V. State of Odisha and Ors*), which has been disposed of by this Court, vide Judgment dated 11.11.2022.

4. Therefore, in view of the detailed reasons stated in the Judgment dated 11.11.2022 passed by this Court in W.P.(C) No. 15345 of 2022 (*Balabhadra Majhi V. State of Odisha and Ors*), this Writ Petition stands disposed of in terms of the said Judgment.

(DR. B.R. SARANGI)
JUDGE*Attested*
D. K. Mishra
District Education Officer
Nayagarh.

ORISSA HIGH COURT: CUTTACK**W.P.(C) NO. 15345 OF 2022**

In the matter of an application under Articles 226 and 227 of the Constitution of India.

AFR

Balabhadra Majhi

.....

Petitioner

-Versus-

State of Odisha and others

Opp. Parties

For Petitioner : M/s. Umakanta Sahoo and
H.K. Dash, Advocates

For Opp. Parties : Mr. S. Jena,
Standing Counsel (S&ME)

PRESENT:

THE HONOURABLE DR. JUSTICE B.R. SARANGI**Date of hearing and judgment : 11.11.2022**

DR. B.R. SARANGI, J. By means of this writ petition, the petitioner, who is a retired Gana Sikhyaka from Primary School w.e.f. 30.04.2022, has sought for direction to opposite party no.1 for regularization of his service as Level-V Asst. Primary School Teacher, in accordance with

Attested
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District Education Officer
Nayagarh.

the notification no.14467-XIII-SME-AE-06/2016/SME dated 25.07.2016 and the notification no.25290-XIII-SME-AE-06/2016/S&ME dated 22.12.2016 issued by the Department of School and Mass Education, Govt. of Odisha, with effect from the date of his eligibility notionally, without any discrimination, within a stipulated time. He has further sought for direction to the opposite parties to release in his favour the differential arrear salaries with effect from the date of his regularization, along with other retiral benefits, within a stipulated time.

2. The factual matrix of the case, in a nutshell, is that the Scheme of Non-Formal Education was initiated vide resolution no.33241-XIII/CE-78/89-EYS dated 29.07.1989 of the Education and Youth Services Department of Odisha. Subsequently, in order to universalize primary education in the deprived areas in a time bound and cost effective manner, the Government of Odisha introduced Education Guarantee Scheme (EGS) and accordingly EGS schools are opened as a substitute

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of primary schools. The EGS teachers are designated as Education Volunteer with a fixed amount of monthly honorarium and they are engaged by the Zilla Parishads under Village Education Committees formed for the local EGS schools in the locality. The petitioner was appointed in the locality after facing a selection process. The EGS centres were functioning effectively with effect from the academic year 1989-90. Since the said centres were closed due to improper management, as a consequence thereof, the Department of School and Mass Education, Govt. of Odisha took steps to regularize the EGS schools and the appointed teachers. Most of the EGS volunteers had been disengaged or facing disengagement. Therefore, Govt. of Odisha took steps to rehabilitate the disengaged EGS volunteers as Gana Sikhyaka under Sarba Sikhya Abhijan. Accordingly, vide resolution no.3358/SME dated 16.02.2008, the State Government floated/initiated the Scheme. Pursuant to the said scheme, the petitioner was rehabilitated as Gana Sikhyaka in the nearby school and, as such, the appointment order was issued by the Zilla

Parishad with certain terms and conditions. Consequentially, the petitioner was continuing in the school. As such, the petitioner is well qualified and has also got Teachers Education Training for two years from Board of Secondary Education, Odisha. Thereby, the petitioner, having satisfied the eligibility criteria, was to be appointed as a regular teacher in the primary school before coming into force the Right of Children to free and Compulsory Education Act, 2009. As the Government did not appoint any primary school teacher during the period from 1989 to 2010, the petitioner was deprived of getting job elsewhere as regular teacher like others.

2.1 The Government of India enforced Teachers Eligibility Test vide Gazette notification dated 25.08.2010. Subsequently, in the year 2012, Odisha Teachers Eligibility Test (OTET) was enforced vide resolution no.14302 dated 04.06.2012. As the petitioner had completed his two years training course under the Board of Secondary Education Odisha successfully and had

teaching experience since his appointment as Education Volunteer in the EGS School, another competitive examination like OTET may not be required for him, as the teachers standing on the same footing are continuing without the eligibility test. Therefore, OTET ought not to be applicable in the case of the petitioner for his regularization. The petitioner has also obtained +2 Arts certificate from the Council of Higher Secondary Education, Odisha.

2.2 The Govt. of Odisha in ST & SC Department issued a gazette notification on 17.10.2013 fixing the guidelines for engagement of Sikhya Sahayak. To provide free and compulsory education to every child of the age group of 6 to 14 years, the State Government took steps for appointment of Sikhya Sahayak, who would be regularized as teachers. Therefore, Government prescribed OTET and other eligibility criteria in the appointments of primary school teachers. But as and when the teachers, who were serving before 2011 are not facing the OTET test

and getting their job satisfaction, whereas the EGS teachers on the same work burden with the same teaching experience were compelled to face the OTET discriminately. As such, there is no difference in the teaching experience between the regular teacher CT qualified and Diploma in Elementary Education Examination by the Board of Secondary Education. But only difference is that the EGS teachers were getting very low salary than the regular teachers and most of the EGS teachers are at the verge of the retirement. Therefore, they should not have been deprived of regularization of service. Thus, notifications dated 25.07.2016 and 22.12.2016 were issued by the Department of School and Mass Education for appointment/regularization of those Gana Sikhyaka as Level-V Asst. Teachers (ex-cadre) who do not possess the qualification of passing the OTET. The petitioner got academic qualification, possessed special teachers training by the Board of Secondary Education, Odisha vis-à-vis appointed as a teacher in different EGS schools before enforcement of OTET in the year 2012.

Further, the State Government clarified that Gana Sikhyakas, on completion of eight years of regular and continuous service, would be regularized. As such, in the notifications, referred to above, it was clarified that the persons those who do not pass the OTET examination will not be eligible for further annual increments after 31.03.2019. Thus, the petitioner claimed that he having satisfied the eligibility criteria is otherwise eligible for regularization in service in Level-V Asst. Primary School Teacher. The same having not been done, the petitioner has approached this Court by filing the present writ petition.

3. Mr. Umakant Sahoo, learned counsel appearing for the petitioner vehemently contended that putting restriction of acquisition of OTET qualification for regularization of service, so far as Gana Sikhayaka is concerned, is arbitrary, unreasonable and contrary to the provisions of law. It is contended that when the petitioner was appointed as Education Volunteer in the EGS School

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and on abolition of the EGS he was posted as Gana Sikhyaka and was having requisite qualification along with training experience, his service should have been regularized as Level-V Asst. Primary School Teacher. But the same was denied, as because he had not acquired the OTET qualification, which was only introduced in the year 2012. It is further contended that appointment of the petitioner as Gana Sikhyaka may be considered as irregular but cannot be construed to be illegal and, as such, by this process, he should not have been denied the benefit of regularization of service. It is contended that though Section-23 of the Right of Children to free and Compulsory Education Act, 2009, prescribes minimum qualification for appointment of teachers in the primary schools, but that *ipso facto* cannot be a ground to deny regularization of service of the Gana Sikhyakas, who do not possess the qualification of passing OTET for regularization as Asst. Teacher (ex-cadre) in Level-V of the Government.

3.1 It is further contended that in the notification dated 22.12.2016 issued by the School and Mass Education Department modalities have been fixed for regularization of Sikhaya Sahayaks, which prescribes that the Gana Sikhyakas who have completed eight years of regular and continuous engagement and have possessed educational and training qualification mentioned in Para (2) of the said notification, will be regularized as Level-V Asst. Teacher (ex-cadre) equivalent to Level-V teacher of Elementary cadre. In Para-2(b) of the said notification it has been prescribed that, if the Gana Sikhyaka has not passed the OTET within 31st March, 2019, then he/she will not get any further increment after 31st March, 2019. Thereby, it is contended that acquisition of OTET qualification is only for availing incremental benefits after 31st March, 2019 and, as such, it has nothing to do in the matter of regularization. Therefore, the restriction imposed by the authority for regularization of service in the primary school is arbitrary, unreasonable, contrary and

violative of Articles 14, 19 and 21 of the Constitution of India.

To substantiate his contention, he has relied upon the judgment of the apex Court in the case of **Chander Mohan Negi v. State of Himachal Pradesh**, 2020 (1) OLR (SC) 865.

4. Mr. S. Jena, learned Standing Counsel for School and Mass Education Department vehemently contended that Gana Sikhyakas, who have acquired higher qualification as non-collegiate candidate by obtaining permission from competent authority, i.e., Collector or District Project Coordinator can only be considered for regularization and clarification to that effect been given in the department letter dated 20.09.2017. It is contended that the SPD, OSEPA issued a circular on 07.04.2010 intimating that the Collector is the competent authority to issue permission to Gana Sikhyakas for obtaining higher qualification. From 16.02.2008 to 07.04.2010, there was no instruction issued by the

competent authority to issue permission for obtaining higher qualification. Therefore, it was considered to allow permission issued by others like C.I. of Schools, D.I. of Schools, BDOs, S.I. of Schools, BRCCs and HMs during the period from 16.02.2008 to 07.04.2010 and after 07.04.2010, permission from the competent authority was only considered. Although case of some of the candidates was considered for regularization in service, but so far as the case of the petitioner is concerned, it is contended he had approached the Collector, Nayagarh by filing Misc. Case No.1/2018 with a prayer to regularize his service as Level-V Asst. Teacher (ex-cadre). The Collector, vide order dated 01.01.2018, passed order in the said Misc. Case directing the District Education Officer, Nayagarh not to take any decision on regularization of Gana Sikhyaka until further orders. But the said Misc. Case was disposed of by the Collector, vide order dated 20.04.2018, holding that there was no justification by the District Education Officer not to include the name of the petitioner to regularize his service.

4.1 After the order dated 20.04.2018 was passed by the Collector, this Court, while entertaining a public interest litigation filed by Odisha Vikash Parishad, Bhubaneswar bearing W.P.(C) No. 4684 of 2018, passed interim order directing the authorities not to regularize any Gana Sikhyaka as Level-V Asst. Teacher, as per notification dated 22.12.2016, who does not possess OTET qualification. But, ultimately, the said writ petition was dismissed, as withdrawn. As a consequence thereof, taking into consideration the provisions contained in Right of Children to Free and Compulsory Education Act, 2009 as well as the Odisha Right of Children to Free and Compulsory Education Rules, 2010, whereby for appointment of a teacher in elementary cadre minimum qualification has been prescribed by the academic authority as passing of Teachers Eligibility Test (TET) is mandatory and, therefore, acquisition of requisite qualification having OTET qualification is required for absorption as regular primary teacher in terms of government notification dated 22.12.2016 and, as the

petitioner had not possessed the OTET qualification till his date of retirement, his service was not regularized. Consequentially, he seeks for dismissal of the writ petition.

To substantiate his contention, Mr. S. Jena, learned Standing Counsel for School and Mass Education Department has relied upon the judgment of the apex Court in the case of **State of Uttar Pradesh v. Anand Kumar Yadav**, (2018) 13 SCC 560 and **State Bihar v. Arbind Jee**, 2021 SCC OnLine SC 821.

5. This Court heard Mr. Umakant Sahoo, learned counsel appearing for the petitioner and Mr. S. Jena, learned Standing Counsel for School and Mass Education Department by hybrid mode and perused the records. Pleadings having been exchanged between the parties, with the consent of learned counsel for the parties this writ petition is being disposed of finally at the stage of admission.

6. In the facts and circumstances, as narrated above, now it is to be considered whether the petitioner, who was serving as a Gana Sikhyaka having requisite academic and training qualifications, is entitled to be regularized in service as Level-V Asst. Teacher under the Government, even in absence of OTET qualification.

7. There is no dispute that the petitioner was appointed as an Education Volunteer under the EGS and after abolition of the said scheme, he was absorbed as a Gana Sikhyaka and also acquired higher qualification of +2 Arts from Council of Higher Secondary Education, Odisha and training qualification from the Board of Secondary Education, Odisha. For just and proper adjudication of the case, Section-23 of the Right of Children to Free and Compulsory Education Act, 2009 is extracted hereunder:-

Section 23 of the Right of Children to Free and Compulsory Education Act, 2009 reads as follows:-
 (1) Every child who has completed the age of six years shall be admitted to the nearest school.
 (2) Every child who has completed the age of six years shall be admitted to the nearest school.
 (3) Every child who has completed the age of six years shall be admitted to the nearest school.
 (4) Every child who has completed the age of six years shall be admitted to the nearest school.

for appointment as a teacher, (2) Where a State does not have adequate institutions offering courses or training in teacher education, or teachers possessing minimum qualifications as laid down under sub-section (1) are not available in sufficient numbers, the Central Government may, if it deems necessary, by notification, relax the minimum qualifications required for appointment as a teacher, for such period, not exceeding five years, as may be specified in that notification: Provided that a teacher who, at the commencement of this Act, does not possess minimum qualifications as laid down under sub-section (1), shall acquire such minimum qualifications within a period of five years. (3) The salary and allowances payable to, and the terms and conditions of service of, teachers shall be such as may be prescribed."

On perusal of the aforementioned provisions, it is made clear that any person possessing such minimum qualification, as laid down by the academic authority, authorized by the Central Government, by notification, shall be eligible for appointment as a teacher. It is also provided that where there is no adequate institutions offering courses or training in teacher education, or teachers possessing minimum qualification as laid down under sub-section (1) are not available in sufficient numbers, the Central Government may relax the

minimum qualifications required for appointment as a teacher for such period not exceeding five years, as may be specified in the notification.

8. Referring to Section-23, as mentioned above, National Council for Teacher Education issued a notification on 23.08.2010 fixing minimum qualification from Classes-I to V, which is extracted hereunder:-

"1. Minimum Qualifications:

(i) Classes I-V

- (a) *Senior Secondary (or its equivalent) with at least 50% marks and 2- year Diploma in Elementary Education (by Whatever name known)*

OR

Senior Secondary (or its equivalent) with at least 45% marks and 2-year Diploma in Elementary Education (by whatever name known), in accordance with the NCTE (Recognition Norms and Procedure), Regulations 2002

OR

Senior Secondary (or its equivalent) with at least 50% marks and 4-year Bachelor of Elementary Education (B.El. Ed.)

OR

Senior Secondary (or its equivalent) with at least 50% marks and 2-year Diploma in Education (Special Education)

AND

(b) *Pass in the Teacher Eligibility Test (TET), to be conducted by the appropriate Government in accordance with the Guidelines framed by the NCTE for the purpose."*

9. The aforesaid notification, having been published on 23.08.2010, has got prospective effect and, as such, there is no dispute that the petitioner was appointed as a Education Volunteer under the EGS and after abolition of the said scheme, he was appointed as Gana Sikhyaka prior to commencement of the Right of Children to Free and Compulsory Education Act, 2009, basing upon which the notification was issued on 23.08.2010, by which time acquisition of OTET qualification was not made mandatory. But fact remains, the petitioner had got the minimum qualification for appointment as a teacher and also acquired training qualification from the Board of Secondary Education, Odisha and, thereby, he was otherwise eligible to be appointed as a teacher in a primary school.

10. It is of relevance to note that by resolution dated 04.06.2012 in Annexure-6, Government of Odisha in Department of School and Mass Education, taking into account the notifications dated 23.08.2010 and 29.07.2011 issued by the National Council of Teacher Education, being the academic authority, laid down Class-I to VIII as the minimum qualification for a person to be eligible for appointment as teacher. As such, the State Government passed the aforesaid resolution by introducing OTET qualification for appointment of teacher and in the said resolution, under Clause-4 eligibility criteria were fixed for appearing in the OTET examination, which read as under:-

"Eligibility"

(i) *Persons having the following minimum qualifications shall be eligible for appearing in OTET.*

(a) *Category-A*

*Higher Secondary (+2 or its equivalent)
with at least 50% marks and 2-year
Diploma in Elementary Educations (CT)*

OR

*Higher Secondary (+2 or its equivalent)
with at least 50% marks and 2-year
Diploma in Education (Special
Education)*

OR

Graduation and 2-year Diploma in Elementary Education/2-year Diploma in Special Education.

(b) Category-B

Graduation with at least 50% marks and 1-year Bachelor in Education (B.Ed.).

OR

Graduation with 50% marks and 1-year B.Ed. (Special Education)

OR

Higher Secondary (+2 or its equivalent) with at least 50% marks and 4-year B.A. Ed./B.Sc. Ed.

Provided that relaxation of 5% in minimum qualifying marks in +2 or graduation level, as the case may be, shall be allowed to the candidates belonging to SC, ST, OBC / SEBC category.

Provided further that candidates having minimum marks in +2 or graduation level, as the case may be, prescribed at the time of admission in teacher education courses shall also eligible to appear in OTET.

- (ii) Persons who are pursuing (final year) any of the teacher education courses (recognized by the NCTE or by the RCI, as the case may be) specified above in both the categories.
- (iii) Persons declared eligible by the State Govt. / NCTE/ Govt. of India from time to time."

11. The aforesaid resolution will have to apply prospectively. The teachers, who were appointed prior to

2011, were to be exempted from OTET test. As such, since the petitioner was continuing in the teaching job before 2011, he ought to have been exempted from OTET test at par with similarly situated employees, whose services were regularized as Asst. Teachers from Gana Sikhyaka. Therefore, considering the demand raised by the Gana Sikhyakas, a Ministerial Sub-Committee was constituted under the Chairmanship of the Minister, Finance and Public Enterprises, vide order No. 17420/S&ME dated 21st August, 2015, and on the basis of the recommendations made by the said committee, the Government resolved the demands of Gana Sikhyakas, vide resolution dated 25.07.2016, Clause-1 to 5 of which are extracted hereunder:-

"1. Ganasikshyaks, who have +2/ Degree qualification with either C.T. / B.Ed. and who have completed eight years of continuous and satisfactory engagement will be regularized as "Elementary Level-V teachers" in the year 2016-17 after detail modalities on regularization are worked out by the Government in School and Mass Education Department.

2 On regularization as Elementary Level-V teacher, they will be entitled to salary in the

Pay Scale of Rs. 5,200-20,200/- with Grade Pay of Rs. 2,200/- with D.A. and other allowances as admissible from time to time.

3. Ganasikshyaks having no requisite academic qualification of +2/Degree and training qualification of either C.T. or B.Ed. shall not be regularized as Elementary Level-V teachers.

4. Ganasikshyaks having no requisite academic and training qualification shall acquire the required academic/training qualification by 31st March, 2018 positively. No further relaxation shall be considered thereafter.

5. Ganasikshaks (who will not be able to acquire the requisite academic and training qualification by 31st March, 2018, shall be disengaged on 1st April, 2018."

In terms of the above resolution, if a teacher has requisite academic and training qualifications, his services should have been regularized as Level-V Asst. Teacher.

12. The Government in School and Mass Education Department issued a notification on 22.12.2016, pursuant to resolution dated 25.07.2016, formulating the modalities for regularization of Gana Sikhyakas. Clause-1 and 2 of the said notification 22.12.2016 read as under:-

"1. The Gana Sikshyaks who have completed 8 years of regular and continuous engagement and have possessed educational

and training qualification as mentioned at Para (2) below will be regularized as Level V Assistant Teacher (ex-cadre) equivalent to Level-V teacher of Elementary cadre.

2. For regularization as Level-V Assistant Teacher (ex-cadre), a Gana Sikshyak must be possessing educational and training qualification as given below:-

(a) (i) Higher Secondary (+2 or its equivalent) and 2 year Diploma in Elementary Education (C.T.) or Higher Secondary (+2 or its equivalent) and 2-year Diploma in Education (Special Education); or Graduate in Arts/ Science and 2 year Diploma in Elementary Education or Graduate Arts/Science and 2 year Diploma in Education (special Education); and must have Odia as M.I.L. up to Class-VII or pass in Odia language test equivalent to M.E. standard conducted, or declared equivalent, by BSE (Odisha); or

(ii) Graduation in Arts/ Science and 1 year Bachelor in Education (B.Ed.) or Graduation in Arts/ Science and 1-Year B.Ed. (Special Education); or Higher Secondary (+2 or its equivalent) and 4 years Bachelor in Elementary Education or Higher Secondary (+2 or its equivalent) and 4 years B.A./B.Sc. or B.A. /B.Sc. Ed., and must have Odia as M.I.L, up to Class-X or pass in Odia language test equivalent to Xth standard conducted, or declared equivalent, by BSE (Odisha).

(b) Such Gana sikshyak is required to pass OTET within 31st March, 2019 if he has not passed OTET earlier. If she/ he does not pass the OTET by such date, she/ he will not be eligible to get any further increment after 31st March, 2019.

Explanation:-

(i) For the purpose of equivalency of Higher Secondary (+2), examination conducted by the institutions declared equivalent by the Council of Higher Secondary Education, Odisha shall be considered.

(ii) For the purpose of equivalency of 2 years Diploma in Elementary Education, examinations conducted by the institutions declared equivalent by the Board of Secondary Education, Odisha shall be considered.

(iii) For the purpose of 2 years Diploma in Education (Special Education)/ one year B.Ed. (Special Education), a course recognized by the Rehabilitation Council of India (RCI) shall be considered.

(iv) For the purpose of Degree in Teacher Education (B.Ed.), B.Ed. Degree of other Universities declared equivalent with corresponding degree of the Universities of Odisha and a course recognized by the NCTE shall be conducted."

13. On perusal of the aforesaid clause, it is made clear that Gana Sikhyakas, who have completed eight years of regular and continuous engagement and have possessed educational and training qualification, will be regularized as Level-V Asst. Teacher (ex-cadre) equivalent to Level-V Teacher of Elementary cadre. As such, there was no provision for debarring the Gana Sikhyakas, having no OTET qualification, from regularization as Level-V Asst. Teacher. Clause-2(b) of aforesaid notification

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prescribes that the Gana Sikhyaka is required to pass OTET within 31st March 2019, if he has not passed OTET earlier. If she/he does not pass the OTET by such date, she/he will not be eligible to get any further increment after 31st March, 2019. Thereby, restriction has been imposed that Gana Sikhyakas, having no OTET qualification, will not be eligible to receive the increment and, as such, there is no bar for regularization of their service, even though they have no OTET qualification, that too till 31st March 2019. On the basis of Government letters dated 22.12.2016, 05.01.2017, 27.05.2017 and 27.07.2017 of Director, Elementary Education, a list of 487 trained Gana Sikhyakas, who were found eligible for appointment as Level-V Asst. Teacher, was sent to the Directorate, vide letter dated 10.08.2017, for favour of necessary action. Besides, a copy of the proceedings of the selection committee meeting held on 06.07.2017 and 05.08.2017 under the Chairmanship of Collector-cum-Chairman, District Selection Committee was also sent to the Directorate. Prior to approval of the selected Gana

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Sikhyakas as Level-V Asst. Teacher, the SPD, OPEPA, vide letter dated 24.08.2017, directed the DPC, Nayagarh for publication of the list and bio-datas in his office notice board and invite objection, if any, from the stakeholders, if something noticed by them after proper scrutiny. But after scrutiny of the list of eligible Gana Sikhyakas, a verified list of trained Gana Sikhyakas was prepared again. Accordingly, the Government in School and Mass Education Department conveyed the creation of 563 nos. of posts of Level-V Asst. Teacher in respect of Nayagarh district, vide letter dated 18.09.2017. Before issuance of appointment order on the demands of the Gana Sikhyaka Mahasangha, the Government issued a clarification letter relating to validity of permission given to them by departmental official for prosecuting higher qualification, vide letters dated 20.09.2017 and 23.09.2017 respectively, Clauses-(a) and (b) of which are extracted hereunder:-

"a. The Gana Shikhyakas who have acquired higher qualification as non-collegiate candidate by obtaining permission from

Competent Authority i.e. Collector or DPC can only be considered for regularization.

b. The clarification given at point No. 3 of the Department Letter No. 17960 dated 20.09.2017 is hereby explained further. SPD, OSEPA issued a circular on 07.04.2010 intimating that Collector is the competent authority to issue permission to Gana Shikhyas for obtaining higher qualification. From 16.02.2008 to 07.04.2010, there was no instruction issued on competent authority to issue permission for obtaining higher qualification. In view of the above it is considered to allow the permission issued by others like CI of Schools, D.I. of Schools, BDOs, S.I. of Schools, BRCCs and HMs during 16.02.2008 to 07.04.2010. After 07.04.2010, permission from the competent authority only be considered."

14. In compliance of the above, a list of 21 candidates, including the petitioner, who were found not eligible for appointment as Level-V Asst. Teacher (ex-cadre), was drawn after proper scrutiny and duly approved by the Collector-cum-Chairman, District Selection Committee, Nayagarh. Thereafter, the petitioner approached the Collector, Nayagarh by filing Misc. Case No.1/2018, which was disposed of vide order dated 20.04.2018, with the following directions:-

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"The D.E.O., Nayagarh is instructed not to delay any further to regularize the case of the petitioners. The entire process should be completed by 15.05.2018 and compliance be reported. The other debarred candidates of similar nature should be considered along with these petitioners."

15. In the meantime, in W.P.(C) No. 4684 of 2018, which was filed by Odisha Vikash Parishad, Bhubaneswar in the nature of Public Interest Litigation, this Court passed interim order on 24.04.2018 directing the authorities not to regularize the Gana Sikhyakas, who does not possess OTET qualification, as Level-V Asst. Teacher under the notification dated 22.12.2016 and, as such, the Gana Sikhyakas may be allowed to continue subject to final result of the writ petition. But, ultimately, the said writ petition was withdrawn and, thereby, the interim order passed in the said writ petition no more subsists. As a consequence thereof, a right accrued in favour of the petitioner for regularization in service as Level-V Asst. Teacher along with consequential benefits. The same having not been acceded to, the petitioner has

approached this Court by filing the present writ petition. But fact remains, the petitioner does not possess OTET qualification and, as such, he has been absorbed as Gana Sikhyaka much before the Right of Children to Free and Compulsory Education Act, 2009 came into force and subsequent instructions issued from time to time. If the reference made in Sub-clause (2) of the circular dated 22.12.2016 will be taken into consideration, it only provides that a Gana Sikhyaka is required to pass OTET within 31st March 2019 if he has not passed OTET earlier. If she/he does not pass the OTET by such date, she/he will not be eligible to get any further increment after 31st March, 2019. Thereby, there is no bar to regularize the service of a Gana Sikhyaka, having no OTET qualification. Rather, the said sub-clause states that in the event a Gana Sikhyaka acquired OTET qualification, he is only entitled to get the increment.

16. In **Chander Mohan Negi** (supra), the apex Court held that appointments of teachers made as per the

schemes notified by the Government cannot be treated as illegal, if at all they can be considered irregular, even though condition has been included that such appointees should not seek regularization/absorption. It is held that for no fault of them, they cannot be denied regularization/absorption. In view of the requirement of the State, their services were extended from time to time and now all the appointees have completed more than 30 years of service in different schemes and some of them acquired higher qualification and training qualification. Thereby, denial of regularization cannot have any justification and, as such, the condition of passing of OTET will not stand as a bar for regularization of the petitioner, when the State for its own requirement has extended the term of appointment from time to time and, as such, appointees have continued for more than 30 years in the post. In view such position, the judgment of the apex Court, is directly applicable to the present case.

17. So far as the judgment relied upon by the learned Standing Counsel for School and Mass Education Department in the case of **Anand Kumar Yadav** (supra) is concerned, in the said judgment the apex Court has taken into consideration the regularization/absorption of Sikhya Mitra's and it has been held that Sikhya Mitras do not have any legal right for regularization, as they neither fulfilled minimum qualification, not even BTC qualification under 2001 Regulations, nor were they appointed against sanctioned posts. For mere contractual appointment, their services cannot be regularized. The ratio of this case is totally distinguished from **Chander Mohan Negi** (supra). As such, the fact of **Chander Mohan Negi** (supra) is fully applicable to the present case. Thereby, the judgment cited by the learned Standing Counsel for School and Mass Education Department has no assistance to the present opposite parties.

18. Likewise, the judgment cited by learned Standing Counsel for School and Mass Education

Department in the case of **Arbind Jee** (supra) is factually different from the present case and, thereby, the same is not applicable to the case at hand.

19. Taking into consideration the factual and legal aspects, as delineated above, this Court is of the considered view that the opposite parties cannot deny the benefit of regularization of service to the petitioner as Level-V Asst. Teacher, as the petitioner has got requisite academic qualification and has also acquired training qualification and otherwise also satisfies the eligibility criteria for regularization. Therefore, for non-acquisition of OTET qualification, he cannot be denied the benefit of regularization. If the petitioner has not acquired the OTET qualification by 31st March 2019, he may not be entitled to incremental benefit, but that *ipso facto* cannot deny the benefit of regularization to him. Accordingly, this Court directs the opposite parties to regularize the service of the petitioner as Level-V Asst. Teacher on completion of eight years as Gana Sikhyaka, as per the notification dated

22.12.2016. As he has already retired from service, he should be extended such benefit notionally from the date of completion of eight years as Gana Sikhyaka by regularizing his service as Level-V Asst. Teacher. Since the petitioner has already retired, his pension be revised and he should be granted pensionary benefits in the revised scale of pay admissible to him by fixing the same notionally, as expeditiously as possible, preferably within a period of three months from the date of communication of this judgment.

20. In the result, the writ petition is allowed. However, there shall be no order as to costs.

.....
DR. B.R. SARANGI,
JUDGE

Orissa High Court, Cuttack
The 11th November, 2022, Ashok/GDS

A + HSK
Dr. HSK
District Education Officer
Nayagarh.

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Annexure P-3

IN THE HIGH COURT OF ORISSA: CUTTACK

W.P. (C) No 7541 of 2022
Code No. 310200

Rajib Lochan Mohanty ... Petitioner

Versus

State of Odisha & others ... Opposite Parties

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3	copies of his appointment order	2	19
4	copy of the Govt RESOLUTION No 3358 / SME Dt. 16.02.2008 about to rehabilitate of EGS teachers as Gana Sikshaka	3	20 - 22
5	copies of his educational certificate relating to teachers' training	4	23
6	one set copy of the notification No 14467-XIII-SME-AE-06/2016/SME dated 25.07.2016	5	24 - 25
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	VAKALATNAMA		

By the petitioner through

Cuttack

Date

(Mr. Umakant Sahoo)

ADVOCATE

Attested
District Education Officer
Nayagarh.

IN THE HIGH COURT OF ORISSA: CUTTACK

W.P. (C) No

of 2022

Code No. 310200

Rajib Lochan Mohanty Petitioner

Versus

State of Odisha & others Opposite Parties

SYNOPSIS

The petitioner (Gana Sikshyakas), precious period of last more than 14 years of his early life devoted in the teaching services of the State Government, now rendered 'age barred' for securing a job elsewhere. As he has all eligibility for the teaching in primary school, but the Govt delayed for his regularisation in service in accordance with the Govt Notification, as the constitutional philosophy in Art. 41 of the Constitution.

DATE	EVENTS	REMARKS
09.07.2008	APPOINTMENTS as GANA SIKSYAKA	
	Education Guarantee Scheme come into force	
16.02.2008	Disengagements of Edu Voluntaries and Rehabilitation as Gana Sikshyakas	
23.08.2010	Notification of Central Govt for minimum qualification of the teachers	
04.06.2012	Guidelines of the OTET	
17.10.2013	Guidelines for engagements of Sikshya Sahayakas	
04.12.2013	Resolution about demands of Gana Sikshyaks	
25.07.2016	Resolution about regularisation of Gana Sikshyaks	
22.12.2016	Resolution about regularisation of Gana Sikshyaks	

Cuttack

Date

By the petitioner through

(Mr. Ananta Sahoo)
ADVOCATE

APPENDIX-I CHAPTER-XV, Rule 3(1)
IN THE HIGH COURT OF ORISSA: CUTTACK

W.P. (C) No of 2022
Code No. 310200

In the matter of:

An application under Article 226 and 227 of the
Constitution of India, 1950

AND

In the matter of:

The petitioner, a Gana Sikshyaka, precious period of last more than 14 years of his early life devoted in the teaching services of the State Government, now rendered 'age barred' for securing a job elsewhere. Unfairly used him, generate hope and a feeling of security in him, attune his family to live within his earnings, though having eligibility for the teaching in primary school, but the Govt delayed his regularisation in service, compelling to face OTET at his middle age of retirement would run counter to the constitutional philosophy in Art. 41 of the Constitution.

AND

In the matter of:

Rajib Lochan Mohanty aged about 40 years S/o Prahallad
Mohanty, AT-Kosakata, PO-Sampada, PS-Nuagaon, Dist
Nayagarh, presentluy Gana Sikshyak at Krushnaprasad

Govt U.P. School, AT-Krishnaprasad, PO-Sikrda, Dist-
Nayagarh; Petitioner

VERSUS

1. State of Odisha represented by the Principal Secretary to
Government of Odisha, Department of School and Mass
Education, Odisha, Lok Seva Bhavan, Bhubaneswar, Dist-
Khurda, Pin-751001;
2. Director, Elementary Education, Odisha, Heads of
Departmental Buildings, Odisha, Bhubaneswar, Khurda.

... .. OPPOSITE PARTIES

TO

THE HON'BLE CHIEF JUSTICE OF ORISSA HIGH COURT,
CUTTACK AND HIS LORDSHIP'S COMPANION JUSTICES OF
THE SAID HON'BLE COURT.

THE HUMBLE PETITION OF THE
ABOVE NAMED PETITIONERS

DETAILS OF THE APPLICATION

I. Particulars of the cause/order against which the Petition is made:

- (1) Date of Order/ Notification/Circular/ Policy/ Decision etc:
- (2) Passed in (case or File Number):
- (3) Passed by (Name and designation of the Court, Authority, Tribunal etc):

(4) Subject matter in brief:

The petitioner, Gana Sikshyakas, precious period of last more than 14 years his early life devoted in the teaching services of the State Government, now rendered 'age barred' for securing a job elsewhere. Unfairly used him, generate hope and a feeling of security in him, attune his family to live within his earnings, though having eligibility for the teaching in primary school, but the Govt delayed his regularization in service, compelling to face OTET at middle of his service would run counter to the constitutional philosophy in Art. 41 of the Constitution.

2. Declaration that no proceeding on the same subject matter has been previously instituted in this Hon'ble Court or any other Court, Authority or Tribunal.

THE MATTER OUT OF WHICH THIS WRIT PETITION ARISES
WAS NEVER BEFORE THIS HON'BLE COURT IN PRESENT FORM
OR ANY OTHER COURT, AUTHORITY OR TRIBUNAL AS PER
INSTRUCTION;

3. Facts of the Case:

MOST RESPECTFULLY SHEWETH:

- 3.1- That, the petitioner, presently Gana Sikshyak in the Primary School, challenge the legality and validity of the act of the STATE for not regularization of his post as Level-V Assistant Teacher (Ex-Cadre) discriminately vis-à-vis for compelling him to pass the Odisha Teacher Eligibility Test (hereinafter called as "OTET"), though on similar footing other teachers are being allowed to get all service and financial benefits as Assistant Teacher. (Grade-V). Most of them are now at the verge of

retirements and lost their inspiration to face such type of competitive Examination. This petitioner has well been qualified and got teachers training from the Board of Secondary Education; having more than 14 years' teaching experience and discharging his duties and responsibilities as a primary school teacher. Now he has not been regularized and going to be deprived of getting retirement benefits by the State. The precious period of early life of the petitioner devoted in the teaching services of the State Government are wholly wasted and he may be rendered 'age barred' for securing a job elsewhere. It is indeed unfair to use him, generate hope and a feeling of security in him, attune his family to live within his earnings and such behavior would be an affront to the concept of job security and would run counter to the constitutional philosophy, particularly the concept of right to work in **Art. 41** of the Constitution. The spirit and philosophy of the Constitution, which follows the employee who is serving on the establishment for long spells and have the requisite qualifications for the job, should not be thrown out but his services should be regularized. Therefore, the petitioner invokes the extraordinary jurisdiction, as the act of the state being illegal, ultra vires and violative of fundamental rights as guaranteed in Articles 14, 19 and 21 of the Constitution of India.

- 3.2- That the petitioner is a law abiding and peace-loving citizen of India. The cause of action as arises in this case is within the territorial jurisdiction of this Hon'ble High Court.

3.3- That it is respectfully submitted that the scheme for Non-Formal Education was initiated vide the resolution No 33241-XIII/CE-78/89 EYS dtd 29.07.1989 of the Education & Youth Services Department of Odisha. In the Education Guarantee Scheme (hereinafter called as "EGS") the Govt has commitment to universalize primary education in the deprived areas in a time bound and cost-effective manner. EGS Schools are opened as a substitute of primary schools. The EGS teacher is designated as Education Volunteer with a fixed amount of monthly honorarium of Rs 1000/- . They are engaged by the Zilla Parisad under Village Education Committee formed for the local EGS School in the locality. Rs 469/- and Rs 500/- were provided per year for each EGS school. Accordingly, the petitioner is being appointed in the localities after facing a selection process. The scheme was initiated in the year 1989. The EGS centers had been functioned effectively in the academic year 1989-90. After 5/10 years the centres were not properly managed and closed. Annexed hereto and marked as Annexure-1 is a copy of the resolution No 33241-XIII/CE-78/89 EYS dtd 29.07.1989 of the Education & Youth Services Department of Odisha for appointment of EGS teachers and Annexure-2 is a copy of his appointment order.

3.4- That, it is further humbly submitted that the Department of School & Mass Education, Government of Odisha had taken steps to regularize the EGS schools and the appointed teachers. Most of the EGS volunteers had been disengaged or

facing disengagement presently. The noble Government of Odisha had taken steps to rehabilitate the disengaged Education Volunteers as Gana Sikshyaka under Sarba Sikshya Abhijan. In the Govt RESOLUTION No 3358 / SME Dt. 16.02.2008 the Noble State Government had floated /initiated the scheme. In accordance with the scheme this petitioner had been rehabilitated as "Gana Sikshaka" in different nearby schools. The appointment order was issued by the orders of Zilla Parisad with some certain terms and conditions. Annexed hereto and marked as **Annexure-3** is a copy of the Govt RESOLUTION No 3358 / SME Dt. 16.02.2008 about to rehabilitate of EGS teachers as Gana Sikshaka.

- 3.5- That, as regards in the Section 23 of the THE RIGHT OF CHILDREN TO FREE AND COMPULSORY EDUCATION ACT, 2009 Qualifications for appointment and terms and conditions of service of teachers are clarified as "—(1) Any person possessing such minimum qualifications, as laid down by an academic authority, authorised by the Central Government, by notification, shall be eligible for appointment as a teacher. (2) Where a State does not have adequate institutions offering courses or training in teacher education, or teachers possessing minimum qualifications as laid down under sub-section (1) are not available in sufficient numbers, the Central Government may, if it deems necessary, by notification, relax the minimum qualifications required for appointment as a teacher, for such period, not exceeding five years, as may be specified in that notification: Provided that a teacher who, at the commencement of this Act, does not possess minimum qualifications as laid down under sub-section (1), shall acquire such minimum qualifications within a period of five years. (3) The salary and

allowances payable to, and the terms and conditions of service of, teachers shall be such as may be prescribed."

- 3.6- That it is pertinent to submit that the petitioner is well qualified getting a training for 2-year full time diploma course, he has been well trained for the primary level teaching i.e. named as Diploma Course in Elementary Education under the Board of Secondary Education, Odisha. It is a 4 semester course to prepare students to work in primary level from class 1 to VIII i.e. equivalent to C.T. He has eligibility to be appointed as a regular teacher in the primary schools before coming THE RIGHT OF CHILDREN TO FREE AND COMPULSORY EDUCATION ACT, 2009. As the Govt had not appointed any primary school teachers in the year from 1989 to 2010, as they had been deprived of getting job elsewhere as regular teachers like others. The Union Govt of India had enforced Teachers Eligibility Test vide the Gazette of India notification dtd 25.08.2010 and subsequently in 2012 Odisha Teacher Eligibility Test (OTET) had been enforced VIDE Resolution No 14302 dtd 04.06.,2012. As the petitioner has completed his 2-year training course under the Board of Secondary Education, Odisha successfully and having teaching experience since his appointment as Education volunteer in the EGS schools, thereafter another competitive exam like OTET is not required for him. On the same footing other teachers are continuing without eligibility test, therefore the OTET ought not to be applicable in case of the petitioner for his regularization. Annexed hereto and marked

as Annexure-4 is a copy of his educational certificate relating to teachers' training.

- 3.7- That it is respectfully submitted that on 17.10.2013 by a Gazette Notification the ST & SC Development Noble State Government of Odisha had been pleased to notify the guidelines for engagement of Sikshya Sahayak. To provide free and compulsory education to every child of the age group of 6 to 14 years the noble State Government of Odisha had taken steps for appointment of Sikshya Sahayak, who would be regularized as teachers. Therefore, the Govt had prescribed for OTET and other eligibility criteria in the appointments of primary school teachers.
- 3.8- That it is respectfully submitted that as and when the teachers, who are serving before 2011, are not facing the OTET test and getting their job satisfaction; whereas the EGS teachers on the same work burden with the same teaching experience, being compelled to face the OTET discriminately. There is no difference in the teaching experience between the regular teacher CT qualified and Diploma in Elementary Education Examination by the Board of Secondary Education, but difference is that the EGS teachers were getting very low salary than to the regular teachers. Most of the EGS teachers are at the verge of retirement, therefore they ought not to be deprived of to get a job satisfaction at the end of their service. After age of 40 years one may not have spirit to face a competitive or technical examination like OTET. Therefore, the EGS teachers, presently rehabilitated Gana

Sikshyaka ought to be exempted from OTET test as like as the teachers working before the year 2011.

3.9- That it is further respectfully submitted that the precious period of early life of the petitioner devoted in the teaching services of the State Government is wholly wasted and he may be rendered 'age barred' for securing a job elsewhere. It is indeed unfair to use him, generate hope and a feeling of security in him, attune his family to live within his earnings and such behaviour would be an affront to the concept of job security and would run counter to the constitutional philosophy, particularly the concept of right to work in **Art. 41** of the Constitution. The spirit and philosophy of the Constitution, which follows the employee who is serving on the establishment for long spells and have the requisite qualifications for the job, should not be thrown out but his services should be regularized.

3.10- That it is pertinent to submit that one petitioner under the name and style as Odisha Vikash Parisad has filed a Public Interest Litigation (W.P.(C) NO 4684/2018) . In this PIL the petitioner prays to quash the regularization /appointment of Gana Sikshyakas as Level -V Assistant Teacher (Ex-Cadre) pursuant to Notification No 17885/SME dated 18.09.2017, so far, the appointment / regularization of GANA SIKHSYAKAS who have not qualified OTET. While the petitioner challenges the same, he has not taken the other legal aspects into his averments. Lastly this Writ Petition was dismissed as withdrawn.

The notification No 14467-XIII-SME-AE-06/2016/SME dated 25.07.2016 and the notification No 25290-XIII-SME-AE-06/2016/S & ME dated 22.12.2016 issued by the Department of School and Mass Education are statutorily came into the force. The Government of Odisha for appointment /regularization of Gana Sikshyakas as Level-V Asst Teachers (ex-cadre) for those Gana Sikshyakas who do not possess the qualification of passing the OTET are not violating Sec 23 (1) of the Right of Children to Free and Compulsory Education Act 2009 (hereinafter called as "RTE Act 2009").

The petitioner has got academic qualification and possessed special teachers training by the Board of Secondary Education, Odisha vis-à-vis he has been appointed as a teacher in different EGS schools before the enforcing OTET in the year 2012. Therefore, his teaching experience till the date of notification for the OTET ought not to be ignored. Annexed hereto and marked as Annexure-5 is one set copy of the notification No 14467-XIII-SME-AE-06/2016/SME dated 25.07.2016

That relaxion of any minimum qualification under Section 23 (2) of the RTE Act by the Central Government in case of this petitioner is not required as he is observing his duties and responsibilities as an EGS teacher before the notifications in the year 2016. The OTET guidelines come into force vide Govt Notification No 14302 dtd 04.06.2012, but this petitioner is in the teaching job before the notification. Annexed hereto and marked as Annexure-6 is one set copy of the Govt Notification No 14302 dtd 04.06.2012 for the OTET.

That in the notification No 25290-XIII-SME-AE-06/2016/S & ME dated 22.12.2016 the State Government has clarified that completed 8 years of regular and continuous engagement as Gana Sikhyakas would be regularized, which is correct and no way vitiated. Annexed hereto and

marked as Annexure-7 is one set copy of the notification No 25290-XIII-SME-AE-06/2016/S & ME dated 22.12.2016.

That it is also clarified in the notification that those do not pass the OTET will not eligible for further annual increments after 31.03.2019. There is no contradictory, but given opportunity to the teachers (Gana Sikshyakas) who have served as such for more than 8 years in the school. Therefore there is no illegalities in the State Government's Notifications in the year 2016.

That the petitioner has already been appointed before coming to force the RTE Act, 2009. The teachers, who have been appointed before 2011 are being exempted from the OTET test. As this petitioner is continuing in the teaching job before the year 2011, so he ought be exempted from the OTET test at par.

That as the Gana Sikshyakas have been appointed by a proper selection process before 2009 and continued more than ten years in the teaching profession in the different primary schools, therefore this petitioner has all eligibility to continue as a primary school teacher.

That some Gana Sikshyakas have been regularized without OTET, therefore not regularizing this petitioner discriminately is challenged in this writ petition.

4. Grounds for relief with legal provision:

A) For that the State Govt Notification under Annexure-5 and 7 are no way vitiated in accordance with Section 23(2) of RTE Act, 2009.

5. Details of alternative remedies available and whether exhausted:

The petitioners have no other equally efficacious adequate alternative remedy than to approach this Hon'ble High Court under Article 226 and 227 of the Constitution of India, 1950.

6. Delay, if any, in filing the petition and explanation therefore:

There is no delay in filing this writ petition, as such issue is in W.P.(C) No 4684/2018 pending before this Hon'ble Court, where it was expected for early disposal, but inadvertently it is delayed, so this petitioner prefers this writ petition.

7. Synopsis and list of dates and events is attached separately

8. Relief prayed for:

PRAYER

In the above facts and circumstances this petitioner therefore humbly prays that: -

- i) Your lordships may graciously be pleased to issue notices, call for the records and after hearing the parties, may issue a writ of mandamus or a writ in nature of mandamus or any other appropriate writ/writs/ order/orders commanding to the Opposite Party No-1 for regularization of petitioner's service (Gana Sikshyaka) in accordance with the Notifications No 14467-XIII-SME-AE-06/2016/SME dated 25.07.2016 and the Notification No 25290-XIII-SME-AE-06/2016/S & ME dated 22.12.2016 issued by the

Department of School and Mass Education, Govt of Odisha, i.e. without any discrimination within a time limit as your lordships deem fit and proper in the interest of justice;

AND

- ii) May also be pleased to pass such other relief or reliefs as this Hon'ble Court deems just and proper in the facts and circumstances of the case.

And for which act of kindness this petitioner as in duty bound shall pray forever.

9. Interim Order/Writ, if prayed for: Not required presently

10. Documents relied on:

The annexed documents are true photocopies of their respective originals; the original documents are available with the Opposite Parties.

11. Caveat:

That no notice of lodging a caveat by the opposite party is received.

12. Other Particulars:

Affidavit in support of the application, Certificate and undertaking filed hereunder.

By the petitioner through

Cuttack

Date

(The Unknown School)
ADVOCATE

AFFIDAVIT

I, Rajib Lochan Mohanty aged about 40 years S/o Prahallad Mohanty, AT-Kosakata, PO-Sampada, PS-Nuagaon, Dist-Nayagarh presently Ganasikhyak at Krushnaprasad Govt U.P. School, AT-Krushnaprasad, PO-Sikrida, Dist-Nayagarh do hereby solemnly affirm and state on oath as under:

1. That, I am the petitioner in this case;
2. That Para No-1 to 12 are under my instruction, grounds taken herein are under legal advice of the Counsel appearing in this case;
3. That the annexed documents are photo copies of their respective originals.
4. That the facts stated above are true to the best of my knowledge and belief.

Identified by

Rajib Lochan Mohanty

A D V O C A T E

DEPONENT

CERTIFICATE

Due to readily non-availability of cartridge paper the matter is printed on thin paper. The averments read over and explained to the deponent in vernacular, which he admits.

ADVOCATE

NFE

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After the institution becomes aided, the said post shall be filled up either by transfer from the common cadre or from the select list prepared by the Selection Board or by deputation from Government. For posts which shall be paid for the said posts unless those are filled up in the aforesaid manner, appointment of candidates made against the said posts by the Governing Body/Managing Committee and their own selection shall not be treated valid.

All concerned may be informed accordingly.

Yours faithfully

A. K. MISHRA

Commissioner-cum-Secretary to Government

GOVERNMENT OF ORISSA
EDUCATION DEPARTMENT

No. 19272-XVIIIB-P-105/90-B

Dated the 25th April 1991

FROM

Shri J. PADHI, O. A. S. (I),
Deputy Secretary to Government

TO

The Director, Secondary Education, Orissa.

SUBJECT—Filling up the posts of Headmasters in aided High Schools.

Reference—Your Letter No. 2750-G, dated 28-9-1991 and this Department
Letter No. 35002-EYS, dated 14-12-1990.

SIR,

I am directed to invite a reference to the letters noted above on the subject and to say that in view of the clear pronouncement of the Hon'ble High Court in O. J. C. No. 647/81, Managing Committee of Paschupandabai Sallabala High School, Dhaniso and another versus State and others, the Government order contained in the letter referred to above to the effect that the teacher coming on transfer as Headmaster, is senior in Service as Trained Graduate Teacher to the senior-most Assistant Teacher of the School to which he is transferred is no longer in force and should be treated to have been withdrawn.

Yours faithfully

J. PADHI

Deputy Secretary to Government

No. 33241-XIII/CR-78/89-E.Y.S.,

GOVERNMENT OF ORISSA
EDUCATION & YOUTH SERVICES DEPARTMENT

RESOLUTION

Bhubaneswar, dated the 29th July 1989

The scheme of Non-formal Education aims to utilize persons motivated to serve community to impart education to those who would otherwise be deprived of it on account of social and economic factors.

The Instructor in NFE Centre is essentially a volunteer who takes up this work in addition to his/her other occupation. The daily work of running the Centre is likely to take about 12 hours. The Instructor may if he/she has time and inclination, spend more time in motivating the learners and in such other activities as may be considered appropriate. Over a period of time, the Instructor should aim to provide primary education to all children who cannot attend primary schools in the area assigned to him/her.

In the revised scheme of Non-formal Education, there is provision of supervision of NFE. Centre supervision charges are at the rate of Rs. 400 per centre per annum. It will be convenient if a supervisor is put in charge of 10 centres in which case in a Block with 40 NFE Centres there will be 4 supervisors each getting annually Rs. 4,000 per annum.

Qualification of Instructor—

1. The pre-requisites for selection of an Instructor are as follows :—

- (a) Should be local, preferably of the village where the centre is located.
- (b) Should have a motivation to help the disadvantaged sections and should have given some evidence of it.
- (c) Should be acceptable to the community.
- (d) As far as possible belong to the weaker section of the Society.

2. Laying down of qualification like Matriculation or Teacher Training Certificate can exclude some very promising and suitable persons. By and large, therefore, persons who have studied up to Class X may be considered as minimum qualification and this may be relaxed up to Class VIII in exceptional circumstances.

3. Preference should be given to women in appointment of N. F. E. instructors and where necessary, educational qualification for women be relaxed even lower than those intended for men.

4. At least 50 per cent N. F. E. centres should be for Women/Girls and all such Centres should be put under the charge of female instructors.

Qualifications of Supervisors

Some additional qualifications for supervisor would be as follows :—

- (a) Ability to impart life skills.
- (b) Good Communication skills.
- (c) Capability to organise group activities.
- (d) Capability to organise collective action.

The Supervisors should have passed matriculation. An attitude of flexibility should be adopted in regard to qualifications for them also. Enough scope of relaxation should be available for persons who have successfully worked as instructors for at least 2 years and for women candidates.

Selection of Instructors and Supervisors

The selection procedures laid down for Government servants, should not be applicable for selection of instructors and Supervisors. Since these posts are not to be filled up on monthly salary, but are to be performed by voluntary workers on honorarium, sponsoring of name through Employment Exchange or selection by District Level Selection Committee is not required. The nature of work of Instructors and Supervisors is purely honorary and voluntary subject to qualifications and background referred to at above.

2. The Instructors should be selected with full involvement of local community particularly of women and persons belonging to the weaker sections. The selection can be made by a Committee comprising the following persons :—

(A) Selection Committee for Instructors :

- | | |
|--|-----------------------|
| (i) Sarpanch of the concerned Grama Panchayat | ... Chairman |
| (ii) Jr. Co-ordinator, N. F. E. or his/her representative | ... Member (Convenor) |
| (iii) Supervisor under whose jurisdiction the centre is located | ... Member |
| (iv) Ward Member of the Block/Village where the centre is located | ... Member |
| (v) A nominee of the Village Education Committee belonging to the category S. C./S. T./Women | ... Member |
| (vi) Head Pandit of the nearest Primary School | ... Member |

with the local community should be important consideration in selection of
 selection should also be made by a Committee comprising with the following

- | | |
|--|-------------------|
| (i) Committee for Supervisors | Chairman |
| (ii) For each Block separately) | Member (Convener) |
| (iii) Grama Panchayat Samiti | Member |
| (iv) Co-ordinator or his nominee | Member |
| (v) Sarpanch of the Grama Panchayat in whose jurisdiction Supervisor | Member |
| is to work. | Member |
| (vi) A nominee of the Village Education Committee of the Head- | Member |
| quarters Village of the supervisor belonging to S. C./S. T./Women. | Member |
| (vii) Headmaster/Headmistress of the nearest High School or M. E. | Member |
| School as the case may be. | |

Application

The above guidelines are pursuant of Government of India letter No. F-25-10/S, S. N. E. B.-II, dated the 11th April 1989 and are applicable to all Non-Formal Education Centres fully or partially funded by Government of India or State Government and run through State Government or Voluntary Agencies or by other Agencies.

The previous guidelines communicated by Government stand superseded. This resolution come into force with immediate effect and should strictly be observed.

Order—Ordered that this Resolution be published in the next issue of the *Orissa Gazette*.

By order of the Governor

(Signature)

Secretary to Government

No. 43273-E. Y. S.

GOVERNMENT OF ORISSA

EDUCATION & YOUTH SERVICES DEPARTMENT

RESOLUTION

Dated the 24th September 1990

Subject—Appointment of Supervisors and Instructors for Non-Formal Education Programme.

In this Department Resolution No. 33245/S, dated the 29th July 1989, two Committees were constituted for selecting the Supervisors and Instructors for appointment under Non-Formal Education Programme in the State. The Chairman of the concerned Panchayat Samiti and Sarpanch of the concerned Grama Panchayat were the Chairman in these Committees for selecting Supervisors and Instructors respectively. Since the Panchayat Samitis and Gram Panchayats have been dissolved, difficulties are being experienced to select the candidates for appointments in these posts and as such, the Non-Formal Education Programme is suffering.

2. After careful consideration and in partial modification of this Department Resolution cited above, Government have been pleased to reconstitute these two Committees as follows:—

(A) For Selection of Supervisors

- | | |
|--|-----------------|
| (1) D. I. of Schools | Chairman |
| (2) Headmaster of the nearest Government High School | Member |
| (3) Concerned Jr. Co-ordinator | Member |
| (4) Concerned S. I. of Schools | Member-Convener |

Headmaster of the nearest U. G. M. E. School

Headmaster of the nearest U. G. M. E. School

Chairman

Member

Member

Member-Correspondent

Instructors will receive a monthly honorarium of Rs. 05 the instructors should be selected from the village where the centre is being opened. Wherever suitable candidates are available they should be considered. Wherever the centre is exclusively for girls, the instructors should be selected from eligible lady candidates. The other instructions indicated earlier should remain in force.

Ordered that, this Resolution be published in the Official Gazette for general information. Ordered also that, the copies of this Resolution be forwarded to all Departments/All Heads of Department/all Collectors for information.

By order of the Governor
A. K. MISRA
Secretary to Government

No. 12835--XIII-SME/AB-24/93-S. & M. E.
GOVERNMENT OF ORISSA
DEPARTMENT OF SCHOOL AND MASS EDUCATION

RESOLUTION

Bhubaneswar, dated the 29th April 1993

SUBJECT—State Literacy Mission Authority

In supersession of Resolution No. 26298-B., dated the 21st May 1992 Government have been pleased to reconstitute the Council and Executive Committee of the State Literacy Mission Authority as follows:—

(A) COUNCIL

- (I) 1. Chief Minister
2. Minister, School and Mass Education
3. Minister, Higher Education
4. Minister, Panchayati Raj
5. Minister, Harijan Welfare and Tribal Welfare

Chairman
Vice-Chairman
Member
Do.
Do.

- (II) Senior Level Political Leaders of Main National Parties—
6. Dr. Krunal Chandra Bhoi, M. P.
7. Shri Rabi Ray
8. Dr. Manorama Mohapatra
9. Shri Debendra Pradhan
10. Shri Jagadan Pati

Member
Do.
Do.
Do.
Do.

- (III) Members of Legislative Assembly—
11. Shri Bhabhanra Singh
12. Smt. Shyamal Kumari Deo
13. Shri Hemapada Biswal
14. Shri Prasanna Kumar Panda

Member
Do.
Do.
Do.

Antenna

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ANNEXURE-2 (19)

Office Order

Office Order No. _____ // Dtd. _____

In pursuance of Govt. Order No. 3368/SME, Dtd. 18.02.2008 and Letter No. 2440/Est/V08, Dtd. 20.03.08 of SPD, OPEPA, Bhubaneswar Sir/Ku/Smt. Rajib Lochan Mohanty is engaged as Gana Sikshyak in Kosakata PUP School of Nuagaon Block consequent upon closure of EGS scheme with the following terms and conditions.

1. Such disengaged Education Volunteers who are having 10th qualification (H.S.C. Examination) will have to acquire +2 qualification within a period of 3 years from their engagement as "Gana Sikshyak" to be considered eligible for C.T. Training. Those who are having +2 minimum qualification will be allowed to complete C.T. Training on a distance mode either through IGNOU or from the Directorate of TE& SCERT within a period of 3 years. And after completion of C.T. Training the "Gana Sikshyak" will be eligible to get consolidated remuneration of Rs. 2000/- from the date of passing C.T. Training.
2. The engagement of Gana Sikshyak will be made on basis of annual contract, honorary and would be renewed by the Zilla Parishad through the Collector-cum-Chief Executive Officer of Zilla Parishad basing on the positive certificate given by the Village Education Committee (VEC) about their attendance and performance in the school. In case of the Zilla Parishad decides not to renew the contract, appeals shall lie to the State Project Director, OPEPA.
3. The Gana Sikshyak will be responsible for making enrolment drive in the particular educational institution, check drop out rate of the students, bring the out of school children to the school, assist the regular teachers in teaching works, besides other works as would be entrusted by the Headmaster of the school from time to time.
4. The Gana Sikshyak can be removed from the engagement with the 30 days prior notice, if she/he violates the conditions as stipulated in the engagement contract or considered unsuitable latter on by the authorities or on the basis of adverse report of the Village Education Committee (VEC).
5. The Gana Sikshyak can avail casual leave of 12 days during one calendar year. She/he shall not be entitled to any other authorized absence beyond above-mentioned period. If she/he remains absent with permission and if she/he does not have authorized leave at her/his credit, the proportionate amount from the consolidated remuneration shall be deducted.
6. Any lady Gana Sikshyak who is having less than two surviving children will be entitled to avail maternity leave for 3 months.
7. The engagement of Gana Sikshyak is terminus with that of SSA Scheme, or other scheme as would be decided by Govt. in future.
8. If documents submitted by the candidate are detected to be fake / forged in future, then the engagement will stand cancelled.
9. Seniority of the candidate will be considered w.e.f. the date of joining in the school.
10. The Gana Shikshak will join the school on 11.07.2008.

By Order of the Collector-cum-CEO
Zilla Parishad, Nayagarh

Sd -
District Project Coordinator
Sarva Shiksha Abhiyan, Nayagarh

Sd -
Addl. DPC cum D. I. of Schools
Sarva Shiksha Abhiyan, Nayagarh

Memo. No. _____

// Dtd. _____

Copy to person concerned Rajib Lochan Mohanty School for information and necessary action. They are requested to leave the actual date of joining forthwith.

Sd -
Addl. DPC cum D. I. of Schools
Sarva Shiksha Abhiyan, Nayagarh

Memo. No. _____

// Dtd. _____

Copy to all Block Resource Centre Coordinators / Sub-Inspector of Schools, _____ Block for information & necessary action.

Sd -
Addl. DPC cum D. I. of Schools
Sarva Shiksha Abhiyan, Nayagarh

Memo. No. _____

// Dtd. _____

Copy to the District Inspector of Schools, Nayagarh / Block Development Officer, _____ Block for information & necessary action.

Sd -
Addl. DPC cum D. I. of Schools
Sarva Shiksha Abhiyan, Nayagarh

GOVERNMENT OF ORISSA
DEPARTMENT OF SCHOOL & MASS EDUCATION
BHUBANESWAR

No.3358 /SME, Dt.16.02.08

RESOLUTION

For the purpose of universalization of Elementary Education, Education Guarantee Scheme (EGS), an Integral part of Sarba Sikshya Abhijan (SSA), was operationalised in Orissa from the year 2001-02. Due to up-gradation of E.G.S. Centres to regular Schools and for various reasons, the Education Volunteers engaged in such E.G.S. Centres have been disengaged and would be facing disengagement in the above process.

Government after careful consideration of the problems of the Education Volunteers under the Education Guarantee Scheme, decided to rehabilitate Education Volunteers in E.G.S. Centres who have been disengaged or facing disengagement under the Education Guarantee Scheme on the following manner.

1. Such disengaged Education Volunteers will be rehabilitated as "Gana Sikshyaka" under Sarba Sikshya Abhijan.
2. Such disengaged Education Volunteers who are trained (Matric, 10th (H.S.C.)/+2 with C.T., B.A./B.Sc./ B.Com. with B.Ed.) will be engaged as Gana Sikshyaka with a consolidated remuneration of Rs.2000/- per month. Those who are untrained (Minimum qualification of Matric, 10th (H.S.C.E.)/+2) will be engaged with a consolidated remuneration of Rs.1750/- per month.
3. Such disengaged Education Volunteers who are having 10th qualification (H.S.C. Examination) will have to acquire +2 qualification within a period of 3 years from their engagement as "Gana Sikshyaka" to be considered eligible for C.T. Training. Those who are having +2 minimum qualification will be allowed to complete C.T. Training on a distance mode either through IGNOU or from the Directorate of TE & SCERT within a period of 3 years. And after completion of C.T. Training the "Gana Sikshyaka" will be eligible to get consolidated remuneration of Rs.2000/- from the date of passing C.T. Training.

4. The engagement of Gana Sikshyak will be made on basis of annual contract, honorary and would be renewed by the Zilla Parishad through the Collector-cum-Chief Executive Officer of Zilla Parishad basing on the positive certificate given by the Village Education Committee (VEC) about their attendance and performance in the school. In case of the Zilla Parishad decided not to renew the contract, appeals shall lie to the State Project Director, OPEPA.

5. The Gana Sikshyak will be engaged against the existing created vacancies of Sikshya Sahayaks and their consolidated remuneration etc. will be borne out of S.S.A. budget. They will be engaged in the Government Primary Schools.

6. The Gana Sikshyak will be responsible for making enrolment drive in the particular educational Institution, check drop out rate of the students, bring the out of school children to the school, assist the regular teachers in teaching work, besides other works as would be entrusted by the Headmaster of the school from time to time.

7. An agreement as may be proscribed by the Govt. between the C.E.O., Zilla Parishad-cum-Collector & Ganasikshyak is to be signed on stamped paper. The State Project Director, OPEPA will furnish the draft copy of agreement to Govt. for approval.

8. The Gana Sikshyak can be removed from the engagement within the 30 days prior notice, if She/he violates the conditions as stipulated in the engagement contract or considered unsuitable latter on by the authorities or on the basis of the adverse report of the Village Education Committee (VEC).

9. The Gana Sikshyak can avail casual leave of 12 days during one calendar year. She/he shall not be entitled to any other authorised absence beyond the above mentioned period. If She/he remains absent with permission and If She/he does not have authorised leave at her/his credit, the proportionate amount from the consolidated remuneration shall be deducted.

10. Any lady Gana Sikshyak who is having less than two surviving children will be entitled to avail maternity leave for 3 months.

11. The Gana Sikshyak will continue to avail of the benefits in the process of selection for engagement of Sikshya Sahayak as extended in the Government in School & Mass Education Department Office Order No.23845/SME dt.04.12.07.

12. The engagement of Gana Sikshyak is Co-terminus with that of SSA Scheme, or other scheme as would be decided by Govt.

13. This decision will be given effect to from the date of their engagement as "Gana Sikshyaka".

By Order of Governor

Sd/- (S.C.Patraik)

Commissioner-cum-Secretary to Govt.

Memo No.3359/SME Dt.16.02.08

Copy forwarded to the Gazette Cell in-charge, Orissa Gazette Cell, C/o Commerce Department, Orissa Secretariat, Bhubaneswar with a request to publish the above Resolution in an extra ordinary issue of Orissa Gazette and supply 500 (five hundred) copies to this Department.

Sd/-R.P.Das

Addl. Secretary to Govt.

Memo No.3360/SME Dt.16.02.08

Copy forwarded to Finance Department / P&C Department for information and necessary action.

Sd/-R.P.Das

Addl. Secretary to Govt.

Memo No.3361/SME Dt.16.02.08

Copy forwarded to Panchayati Raj Department / ST & SC Development Department for information and necessary action.

Sd/-R.P.Das

Addl. Secretary to Govt.

Memo No.3362/SME Dt.16.02.08

Copy forwarded to Director, Elementary Education / SPD, OPEPA / Director, TE & SCERT, Orissa for information and necessary action.

Sd/-R.P.Das

Addl. Secretary to Govt.

Memo No.3363/SME Dt.16.02.08

Copy forwarded to all Collectors-cum-Chief Executive Officers, Zilla Parishad for information and necessary action.

Sd/-R.P.Das

Addl. Secretary to Govt.

Memo No.3364/SME Dt.16.02.08

Copy forwarded to Section - I / II / V / VI / XII / XIV (Legal Cell)/Computer Cell for information and necessary action.

Sd/-R.P.Das

Addl. Secretary to Govt.

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ANNEX

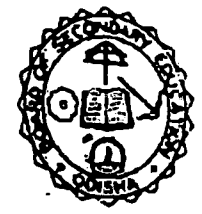
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08BDE087

CERT NO DEP2011/02937

N 0017942

Board of Secondary Education, Odisha



TEACHERS' CERTIFICATE EXAMINATION

I certify that RAJIBLOCHAN MAHANTY

of PRAHALLAD MAHANTY

presented by the

Secondary Training School P.A.N. SCHOOL OF EDUCATION BANKO KHORDA

as Regular Private

Candidate passed the Teachers' Certificate Examination held

in the month of AUGUST 2011 and was placed in the SECOND

position with distinction in.

PRINCIPAL
Govt. P.A.N. Elementary
Teachers Education Institution
BANKO, DT-KHORDA

Secretary

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The Odisha Gazette



EXTRAORDINARY
PUBLISHED BY AUTHORITY

No. 1369, CUTTACK, WEDNESDAY, AUGUST 3, 2016/ SRAVAN 12, 1938

[No. 14467-XIII-SME-AC-06/2016/SME.]

SCHOOL & MASS EDUCATION DEPARTMENT

RESOLUTION

The 25th July, 2016

To examine the demands of Ganasikshyaks, a Ministerial Sub-committee was constituted under the Chairmanship of Hon'ble Minister, Finance and Public Enterprises vide order No.17420/S&ME., dated the 21st August, 2015. On the basis of recommendations of the said Ministerial Sub-Committee, Government after careful consideration have resolved the demands of Ganasikshyaks in the following manner:—

1. Ganasikshyaks, who have +2/ Degree qualification with either C.T. / B.Ed. and who have completed eight years of continuous and satisfactory engagement will be regularised as "Elementary Level-V teachers" in the year 2016-17 after detail modalities on regularisation are worked out by the Government in School and Mass Education Department.
2. On regularisation as Elementary Level-V teachers, they will be entitled to salary in the Pay Scale of Rs.5,200-20,200/- with Grade Pay of Rs.2,200/- with D.A. and other allowances as admissible from time to time.
3. Ganasikshyaks having no requisite academic qualification of +2/Degree and training qualification of either C.T. or B.Ed. shall not be regularised as Elementary Level-V teachers.
4. Ganasikshyaks having no requisite academic and training qualification shall acquire the required academic/training qualification by 31st March, 2018 positively. No further relaxation shall be considered thereafter.
5. Ganasikshyaks who will not be able to acquire the requisite academic and training qualification by 31st March, 2018 shall be disengaged on 1st April, 2018.
6. The renewal of engagement of Ganasikshyaks shall be on the basis of annual contract and renewed by the Zilla Parishad through the Collector-cum-Chief Executive Officer of Zilla Parishad basing on the performance certificate issued by the School Management Committee (SMC) about their attendance and teaching in the School. In case the Zilla Parishad decides not to renew the contract, appeal shall be lie to the State Project Director, OPEPA.

7. The existing Ganasikshyaks may be continued against the existing vacancies of Sikshya Sahayaks and their consolidated remuneration etc. shall be borne out of SSA fund. They shall be engaged only in the Government Elementary Schools.
8. The Ganasikshyaks shall be responsible for making enrolment drive in the particular educational institution, check dropout rate of students, bring the out of School children to the School and assist the regular teachers in teaching work besides other works as would be entrusted by the Headmaster of the School and Senior Officers from School & Mass Education Department from time to time. Their continuance depend on their performance indicators.
9. An agreement between the C.E.O., Zilla Parishad-cum-Collector and Ganasikshyaks shall be signed on the prescribed stamped paper.
10. The Ganasikshyaks shall be removed from the engagement after 30 days of prior notice, if she/he violates the conditions as stipulated in the engagement contract or considered unsuitable by the authorities or on the basis of the adverse report of School Management Committee (SMC) or she/he is proceeded in criminal cases. In exceptional crimes like sexual harassment to the students, they would be dismissed with immediate effect.
11. The Ganasikshyaks may avail casual leave of 12 days during one calendar year. She/he shall not be entitled to any other authorised absence beyond the above mentioned period. If she/he remains absent with permission and if she/he does not have authorised leave at her/his credit, the proportionate amount from the consolidated remuneration shall be deducted.
12. Unauthorised absence for a continuous period of 15 days or more shall automatically terminate his/her engagement. Any unauthorised absence shall be considered under 'no work no pay' principle, which may lead discontinuance of engagement.
13. Lady Ganasikshyak who is having less than two surviving children, may be entitled to avail maternity leave, as decided by Government, from time to time.
14. The continuance of existing Ganasikshyaks is co-terminus with that of SSA Scheme.
15. This has been concurred in by Finance Department vide UOR No.51-SS-I dated the 21st April, 2016.

By Order of the Governor

RANJANA CHOPRA

Commissioner-cum-Secretary to Government

GOVERNMENT OF ODISHA
DEPARTMENT OF SCHOOL AND MASS EDUCATION

RESOLUTION

No. 14302 /SME, Bhubaneswar, dated the 4-6-12
II-SME (B)-40/2012

Sub: Guidelines for conducting Teacher Eligibility Test (TET).

The National Council of Teacher Education being the Academic Authority has laid down the minimum qualifications for a person to be eligible for appointment as Teacher in Classes I to VIII vide Notification dt.23.08.2010 and Notification Dt.29.07.2011. As per the said notifications one of the essential qualifications for a person to be eligible for appointment as a teacher in any of the schools referred to clause (n) of section-2 of the RTE Act is that he/she should pass the Teacher Eligibility Test (TET) which will be conducted by the appropriate Government in accordance with the guidelines issued by the NCTE. Accordingly, the State Govt. have framed the following guidelines for conducting TET in the State:-

1. The Teacher Eligibility Test shall be called "Odisha Teacher Eligibility Test" (OTET). OTET shall be conducted once in a year or as decided by Government according to need.

2. The Board of Secondary Education has been designated as the professional body for conducting OTET vide Notification No.8835/SME Dtd.02.04.2012. Detailed procedure for conducting OTET and instructions for carrying out the examination shall be issued by the BSE, Odisha. The application form for OTET shall also be prescribed by the Board of Secondary Education, Odisha.

3. Applicability

OTET is applicable to all candidates who possess requisite academic and training qualifications with requisite percentage of marks and to all candidates pursuing the final year of the teacher training courses before the date of

publication of advertisement for conducting OTET who aspire to become teachers for Classes-I to VIII in the schools of the State Govt., private aided schools and private unaided schools in the State of Odisha. However, the candidates intending to seek employment as teachers in private un-aided schools shall also have the option of appearing at Central Teacher Eligibility Test (CTET) conducted by Central Govt. through CBSE, if they so desire. The candidates after being qualified in OTET can also apply for further improvement.

4. Eligibility

- (i) Persons having the following minimum qualifications shall be eligible for appearing in OTET.

(a) Category-A

Higher Secondary (+2 or its equivalent) with at least 50% marks and 2-year Diploma in Elementary Education (CT).

OR

Higher Secondary (+2 or its equivalent) with at least 50% marks and 2-year Diploma in Education (Special Education)

OR

Graduation and 2-year Diploma in Elementary Education/ 2-year Diploma in Special Education.

(b) Category-B

Graduation with at least 50% marks and 1-year Bachelor in Education (B. Ed.).

OR

Graduation with 50% marks and 1-year B.Ed. (Special Education)

OR

Higher Secondary (+2 or its equivalent) with at least 50% marks and 4-year B.A. Ed / B.Sc.Ed.

Provided that relaxation of 5% in minimum qualifying marks in +2 or graduation level, as the case may be, shall be allowed to the candidates belonging to SC, ST, OBC / SEBC category.



Provided further that candidates having minimum marks in +2 or graduation level, as the case may be, prescribed at the time of admission in teacher education courses shall also be eligible to appear in OTET.

- (ii) Persons who are pursuing (final year) any of the teacher education courses (recognized by the NCTE or by the RCI, as the case may be) specified above in both the categories.
- (iii) Persons declared eligible by the State Govt. / NCTE/ Govt. of India from time to time.

5. Examination Paper

- (i) There shall be two papers of the OTET viz -Paper-I and Paper-II.
Persons having qualification or pursuing (final year) any of the Diploma in Education Courses have to appear in only Paper-I of the Examination.
Persons having qualification or pursuing (final year) any of the Degree in Education Courses have to appear in only Paper-II of the Examination.
Eligibility for appearing in examination papers for persons covered under Para-4(iii) will be notified by the Govt. after declaration of their eligibility.
- (ii) The duration of the test in each paper shall be 1 ½ hours.
- (iii) All questions will be Multiple Choice Question (MCQ), each carrying one mark with four alternatives out of which one answer is correct.
- (iv) The question papers in non-language subjects shall be bi-lingual i.e. in Odia and English.
- (v) Following languages shall be offered in Language -I :-
Odia, Hindi, Telugu, Urdu, Bengali.
The candidate has to choose any one of these languages for Language-I subject.
- (vi) Language -II subject shall be English for all candidates.
- (vii) There shall be no negative marking.

6. Qualifying marks of OTET Examination

The minimum pass mark in each paper is 60%. A person securing 60% or more in a paper shall be considered OTET pass. In case of SC, ST, PH, OBC/SEBC candidates, the minimum pass mark shall be 50%.

7. Issue of Certificate

Successful candidates shall be awarded an OTET Certificate by BSE(O). The Certificate shall contain the name and address of the candidate, date of birth, registration number, year/month of award of certificate & marks obtained in paper(s). The certificate shall be electronically generated with adequate security features.

8. Validity of OTET Certificate

The validity period of OTET qualifying certificate /mark sheet shall be for a minimum period of 7 years from the date of OTET examination subject to fulfillment of all other eligibility conditions of appointment as may be imposed by the appointing authority from time to time.

9. There shall be no restriction on the number of attempts a person can take for acquiring a OTET Certificate. A person who has qualified OTET may also appear again for improving his/her score.

10. The weightage of OTET scores in the recruitment process shall be as decided by Government from time to time.

11. Qualifying the OTET would not confer a right on any person for recruitment/employment as it is only one of the eligibility criteria for appointment. The eligibility shall finally be verified by the concerned recruiting agency/ appointing authority.

12. Conduct of OTET Examination

The examination shall be conducted by Board of Secondary Education, Odisha. Detailed guidelines for conduct of examination including selection of Centers of Examination, format of Application Forms, fee structure, valuation of answer sheets, declaration of results, issue of mark sheets and certificate etc. shall be framed by the Board of Secondary Education, Odisha.

All disputes pertaining to the conduct of OTET Examination shall be subject to jurisdiction of BSE (O).

13. The detailed syllabus for both the papers of OTET shall be prepared by the Directorate of T.E & SCERT, Odisha strictly in conformity with the structure and content prescribed by the NCTE in this regard. The syllabus shall be made available on the official website of TE & SCERT, BSE (O) and S&ME, Department.

14. The BSE, Odisha shall accept the syllabus prepared by the T.E & SCERT. The nature and the standard of the questions of OTET shall be as per the guidelines issued by the NCTE in this regard.

15. The Director, TE & SCERT shall be the Nodal Officer for the purpose of OTET.

Ordered that this Resolution will be published in an extraordinary issue of Orissa Gazette.

By Order of the Governor,

Principal Secretary to Govt.

Memo No. 14303 /SME, Date. 4-6-12

Copy forwarded to the Gazette Cell in-charge, Orissa Gazette Cell, C/O Commerce Department, Orissa Secretariat, Bhubaneswar with a request to publish the above Resolution in an extra ordinary issue of Orissa Gazette and supply 500 (five hundred) copies to this Department.

Addl. Secretary to Govt.

The Odisha Gazette

EXTRAORDINARY
PUBLISHED BY AUTHORITY

No. 2391, CUTTACK, SATURDAY, DECEMBER 24, 2016/PAUSA 3, 1938

SCHOOL & MASS EDUCATION DEPARTMENT

NOTIFICATION

The 22nd December, 2016

Sub: Modalities for regularization of Gana Sikshyaks.

No.25290-XIII-SME-AE-06/2016/S&ME.— After careful consideration of the recommendations of the Ministerial Sub-Committee constituted vide Order No. 17420/SME., dated the 21st August, 2015 under the Chairmanship of Hon'ble Minister, Finance, Public Enterprises and H & F W, Government have been pleased to formulate the following modalities for regularisation of Gana Sikshyaks pursuant to Resolution No.14467/SME., dated the 25th July, 2016.

1. The Gana Sikshyaks who have completed 8 years of regular and continuous engagement and have possessed educational and training qualification as mentioned at Para. (2) below will be regularized as Level-V Assistant Teacher (ex-cadre) equivalent to Level-V teacher of Elementary cadre.

2. For regularization as Level-V Assistant Teacher (ex-cadre), a Gana Sikshyak must be possessing educational and training qualification as given below:—

(a) (i) Higher Secondary (+2 or its equivalent) and 2 year Diploma in Elementary Education (C.T.) or Higher Secondary (+2 or its equivalent) and 2 year Diploma in Education (Special Education); or Graduate in Arts/ Science and 2 year Diploma in Elementary Education or Graduate in Arts/ Science and 2 year Diploma in Education (Special Education); and must have Odia as M.I.L. up to Class-VII or pass in Odia language test equivalent to M.E. standard conducted, or declared equivalent, by BSE (Odisha); or

(ii) Graduation in Arts/ Science and 1 year Bachelor in Education (B.Ed.) or Graduation in Arts/ Science and 1 year B. Ed. (Special Education); or Higher Secondary (+2 or its equivalent) and 4 years Bachelor in

Elementary Education or Higher Secondary (+2 or its equivalent) and 4 years B.A./B.Sc. Ed. or B.A. Ed./ B.Sc. Ed., and must have Odia as M.I.L. up to Class-X or pass in Odia language test equivalent to Xth standard conducted, or declared equivalent, by BSE (Odisha).

- (b) Such Gana Sikshyak is required to pass OTET within 31st March, 2019 if he has not passed OTET earlier. If she/ he does not pass the OTET by such date, she / he will not be eligible to get any further increment after 31st March, 2019.

Explanation:—

- (i) For the purpose of equivalency of Higher Secondary (+2), examinations conducted by the institutions declared equivalent by the Council of Higher Secondary Education, Odisha shall be considered.
- (ii) For the purpose of equivalency of 2 years Diploma in Elementary Education, examinations conducted by the institutions declared equivalent by the Board of Secondary Education, Odisha shall be considered.
- (iii) For the purpose of 2 years Diploma in Education (Special Education) / one year B.Ed. (Special Education), a course recognized by the Rehabilitation Council of India (RCI) shall be considered.
- (iv) For the purpose of Degree in Teacher Education (B.Ed.), B.Ed. Degree of other Universities declared equivalent with corresponding degree of the Universities of Odisha and a course recognized by the NCTE shall be considered.

3. He / She must not have received any adverse remark from Competent Authority during the period of his / her engagement as Gana Sikshyak and the School Managing Committee (SMC) must have given a good Certificate about regular attendance and satisfactory teaching.

4. The regularization of Gana Sikshyaks in each District will be made on the basis of selection by a committee comprising of the following officers of the concerned District.

- | | |
|---|-------------------|
| (1) Collector-cum-Chief Executive Officer,
Zilla Parishad of the District. | - Chairman |
| (2) Dist. Project Co-ordinator,
Sarva Sikshya Abhiyan of the District. | - Member |
| (3) Dist. Education Officer | - Member-Convener |
| (4) Dist. Welfare Officer | - Member |
| (5) Block Education Officer of the
Concerned Block. | - Member |

5. The Selection Committee shall verify all original certificates and mark sheets of their educational qualification and training qualification, Residential Certificate, Caste Certificate (in case of S.C., S.T. & SEBC) and Disability Certificate (in case of Person with Disability Gana Sikshyaks) prior to regularization of the services of eligible Gana Sikshyaks. If the Certificates, Mark Sheets & other documents so produced by the Gana Sikshyak at the time of verification is/are found not genuine, necessary action may be taken to dis-engage the Gana Sikshyak followed by initiation of criminal proceedings against him/ her.

6. The Selection Committee shall also verify whether prior permission has been obtained by the Gana Sikshyak concerned for acquiring higher qualification/training qualification, while in service, either as a Collegiate or Non-collegiate candidate. If a Gana Sikshyak has acquired such qualification as a Collegiate candidate, due verification may be made whether he / she had availed leave for the purpose from the Competent Authority and such leave shall not be taken into consideration for computing 8 (eight) years of service.

7. Gana Sikshyak, against whom any criminal case is pending finalization, shall not be eligible to be regularized.

8. He / She shall produce a Medical Certificate issued by a physician not below the rank of an Asst. Surgeon certifying his/her fitness to perform duty prior to his/her regularization.

9. An undertaking, having not more than one spouse living, must be kept from each Gana Sikshyak prior to his / her regularization, unless it is required under any custom or personal law.

10. The seniority list shall be prepared by the Selection Committee of the district taking in to consideration the year of acquiring of training qualification by the Gana Sikshyak with due regard to his / her date of joining in the concerned District. If the date of joining will be same in the case of more than one such Gana Sikshyaks, then their seniority will be maintained according to the seniority of their date of birth.

11. The Odisha Reservation of Vacancies (in posts and services for ST & SC) Act, 1975 along with the rules made thereunder and OCS (Reservation of Vacancies for Women in Public Services) Rules, 1994 and such other principles of reservation as prescribed by the State Government, from time to time, shall be followed at the time of regularization of Gana Sikshyaks as Level-V Assistant Teachers (ex-cadre).

12. The Gana Sikshyaks so regularized will be placed under the scheme of Sarva Sikshya Abhiyan on deputation basis and the essential deductions for relevant pensionary benefits (employer's share) shall be borne by the State Government.

By Order of the Governor

RANJANA CHOPRA

Commissioner-cum-Secretary to Government

A + 105/2018
D. K. Singh
District Education Officer
Nayagarh.

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Annexure-4

IN THE HIGH COURT OF ORISSA: CUTTACK

W.P. (C) No 7541 of 2022

Rajib Lochan Mohanty Petitioner

Versus

State of Odisha & others Opposite Parties

ADDITIONAL AFFIDAVIT BY THE PETITIONER

I, Rajib Lochan Mohanty aged about 40 years S/o Prahallad Mohanty, AT-Kosakata, PO-Sampada, PS-Nuagaon, Dist Nayagarh, presentluy Gana Sikshyak at Krushnaprasad Govt U.P. School, AT-Krushnaprasad, PO-Sikrida, Dist-Nayagarh do hereby solemnly affirm and state on oath as follows:

1. That I am the petitioner in this case.
2. That, I have requisite qualifications to be an Assistant Teacher in accordance with the Govt Notification No 25290-XIII-SME-AE-06/2016/S&ME dated 22.12.2016, therefore I am entitled for regularization as Level-V Assistant Teacher (ex-cadre) equivalent to Level-V teacher of Elementary Cadre. Though some of Gana Sikshyaks have been regularized, but I have been discriminated without any valid reason. Annexed hereto and marked as Annexure-8 series are copies of the regularization of services of some of the Gana Sikshyak in

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D. K. S. K.
District Education Officer
Nayagarh.

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accordance with the notification No 25290-XIII-SME-AE-06/2016/S & ME dated 22.12.201

3. That I have been discriminated in the regularization, though the representations are filed from time to time. Annexed hereto and marked as Annexure-8 is one set copy of the last representation.
4. That the enclosed/annexed documents are photo copies of their respective originals.
5. That the facts stated above are all true to the best of my knowledge and belief; I have not suppressed any material facts within my due knowledge.

Identified by

DEPONENT

(*Dr. Unalini Sahoo*)

ADVOCATE

Cuttack 9437318634

Date

CERTIFICATE

Due to readily not availability of cartridge papers this matter is printed on legal size thin papers and further it is certified that the contents of the petition have been explained to the deponent-petitioner in vernacular, which he admits as true.

ADVOCATE

OFFICE OF THE DISTRICT EDUCATION OFFICER, KALAHANDI, BHAWANIPATNA

OFFICE ORDER

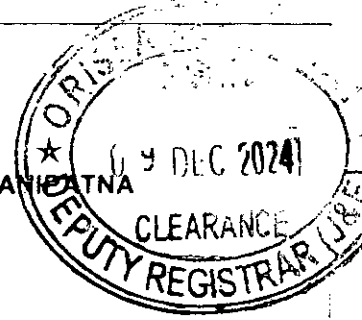
Dated Bhawanipatna the 9th February 2018

No. 925/Pursuant to Resolution No. 14476/SME/Dt. 25th July, 2016, Notification No. 25290/SME-XIII-SME-AE-06/2016/Dt. 22.12.2016 of S & ME Department communicated vide Memo No. 23047/Dt. 30.12.2016 of Directorate of Elementary Education, Odisha, Corrigendum No. 24597/ Dt. 15.12.2017 S & ME Department communicated in Directorate Elementary Education Odisha Memo No. 25445/ Dt. 20.12.2017, Letter No. 24968/Dt. 15.12.2017 of S & ME Department communicated in Directorate Elementary Education, Odisha Memo No. 25444/ Dt. 20.12.2017 and subsequent clarification issued in letter No. 17960/Dt. 20.09.2017 & No. 18240/Dt. 23.09.2017 of S & ME Department and on approval & recommendation of District Selection Committee vide its resolution dated 26.10.2017 the following GanaShikhyaka of Kalahandi District as per enclosed statement being found eligible after completion of 8(eight) years engagement and without prejudice of the claims of others are hereby provisionally appointed in his/her present school as mentioned against his/her name as Level-V Asst Teacher (Ex. Cadre) w.e.f. 01.03.2017 in the corresponding scale of pay of Rs. 5200-20200 with G.P. Rs. 2200/-(Pre revised) with salary at Cell-1 Level-6 of the Pay Matrix of ORSP Rules 2017 & other allowance as admissible under Rules from time to time.

SI No.	Name of the GS	Category	Name of the School	Block
1	BABRUBAHAN SAHOO	OBC	SANPODDAGUDA PS	KOKSARA
2	CHAKRADHAR DHARUA	ST	KHUNTIA UGHS	KOKSARA
3	CHUNILALNIAL	SC	BABEKOKA PS	KOKSARA
4	DHANIKAM TANDI	SC	DHUBENCHANCHARA PS	KOKSARA
5	DURYODHAN NAIK	OBC-PH	KACHHARAPADA NPS	KOKSARA
6	HEMANTA KUMAR RANA	OBC	MAHAJANGUDA PS	KOKSARA
7	JAYDHAR BAG	SC	PITADASPUR PS	KOKSARA
8	JUGAL KISHOR MAJHI	ST	COLONYPADA PS	KOKSARA
9	KANTHA PRASAD PANIGRAHI	SC	MALPADA PS	KOKSARA
10	KHAGESWAR MAJHI	ST	SINDHIBHATAPADA PS	KOKSARA
11	KRUPASINDHU SUNANI	SC	TEMRA NUPS	KOKSARA
12	KULAMANI BARIK	OBC	PATRABASA PS	KOKSARA
13	KULAMANI SAHU	OBC	GHADAGUDA PS	KOKSARA
14	KUNJESWAR POTA	ST	MALPADA NPS	KOKSARA
15	LATAMANI SENAPATI	SC	CHIJAMUNDA PUPS	KOKSARA
16	LAXMAN KUMAR PATRA	ST	BANJIBAHAL PS	KOKSARA
17	LAXMAN KUMAR	OBC	NAGPADA PS	KOKSARA

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District Education Office
Bhawanipatna.



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18	MADHAB CHANDRA MAJHI	ST	KARLAKOTIAPADA NPS	KOKSARA
19	MAKARDWAJ PATEL	OBC	KANDABUTURA PUPS	KOKSARA
20	MURUDHAR MAJHI	OBC-PH	BADPADA PS	KOKSARA
21	NAKULA PUHARI	OBC	TALAGAON PUPS	KOKSARA
22	NARASINGA NAIK	OBC	NUAPADA NPS	KOKSARA
23	NUAKHAI SUNANI	SC	OLAMA PUPS	KOKSARA
24	PANCHANAN MAJHI	ST	SIRUGUDA UPS	KOKSARA
25	PREMLAL SAHU	OBC-PH	BHALUPADA N.P.S.	KOKSARA
26	PUSPALATA KHAMARI	SC	SUNAMAL PS	KOKSARA
27	RANJEET KUMAR KHAMARI	GEN	BADKENDUGUDA UPS	KOKSARA
28	RIKHIRAM ROUT	OBC	AINLY PS	KOKSARA
29	SANATAN PANDA	GEN	KUMUDAMUNDA PS	KOKSARA
30	BHIMSEN PUNI	OBC	CHLIPAMAL PUPS	KOKSARA
31	KEDAR DHARUA	ST	DALGUMA PS	KOKSARA
32	SABITA MAJHI	OBC	SARGIGUDA PS	KOKSARA

The appointment is purely temporary and will be terminated at any time without assigning any reason thereof and on the following conditionalities.

1. The pay, DA, HRA & other allowances to be met under the scheme SarvaShikshaAbhiyan.
2. The posts so created are purely temporary and under the administrative control of Director, Elementary Education. This post will be abolished automatically after the retired/resigned from the services / death of the incumbent.
3. He/She will work under the Headmaster/ Headmistress of the school to which he/she is appointed and will perform the duties as will be entrusted upon him/her by the concerned Headmaster of the school.
4. He/She may be assigned upon any other work by the District Education Officer/ Block Education Officer/ District Project Coordinator, RTE, SSA or other authorities under the Govt. in School and Mass Education Department, Odisha from time to time.
5. He/She must maintain regularity and punctuality in attending the school and classes.
6. He/She shall perform all such other duties as assigned to him/her by the competent authority as and when required.
7. His/Her appointment is without prejudice to the claims of others.
8. The date of joining in the post of Level-V AsstTeacher(Ex-Cadre) shall be reckoned as the first appointment to the service with regard to service benefit.
9. He/She will be probation for a period of two years from the date of joining.

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AKSKd
District Education Officer
Nayagarh



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10. The appointment will be cancelled/ terminated on the following events

- If the appointment itself is found to be irregular or violation of relevant Rules, Resolutions, Guidelines issued.
- If any fraudulent testimonials submitted by the incumbent is detected in future and he/she is criminally proceeded against.
- If he/she declines to accept the offer of appointment.

The joining report shall be accepted subject to the production / verification of the following documents / certificates in original along with two sets of Xerox copy and self attested copies before the Headmaster/Headmistress concerned.

- All original and Xerox attested copies of pass certificate in support of his/her academic qualification.
- Two character certificate from two Gazetted Officer, Group-A or B.
- Medical Certificate from registered Medical Practitioner not below the rank of Asst. Surgeon certifying his/her fitness to perform duty.
- Attestation form duly filled in.
- Two passport size photograph duly self attested.
- An undertaking having not more than one spouse living, must be kept from each Level-V Asst Teacher (ex-cadre) unless it is required under any custom of personal law.
- Undertaking regarding genuineness of certificate.
- Oath of allegiance to the constitution of India duly filled in.

Sd/-
District Education Officer
Kalahandi

Memo No 926 Date 09.02.2018

- Copy to person concerned for information and guidance.
- Copy to the Headmaster/ Headmistress concerned for information and necessary action. He/She is requested to intimate the date of joining of the Level-V Asst. Teacher(ex-cadre) to this office in time.
- Copy to Primary Establishment Section of this office/ Copy to Guard File for information.
- Copy forwarded to Block Education Officers concerned for information and necessary action.

Attested
[Signature]
District Education Officer
Nayagarh.

Sd/-
District Education Officer
Kalahandi

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Memo No 927 Date 09.02.2018

Copy forwarded to the District Project Coordinator, RTE-SSA, Kalahandi for kind information and necessary action.

Sd/-
District Education Officer
Kalahandi

Memo No 928 Date 09.02.2018

Copy submitted to the Collector & Chairman, Screening Committee, Kalahandi for favour of kind information and necessary action.

Sd/-
District Education Officer
Kalahandi

Memo No 929 Date 09.02.2018

Copy submitted to the Director, Elementary Education/ State Project Director, OPEPA, Bhubaneswar for favour of kind information and necessary action.

Sd/-
District Education Officer
Kalahandi

AHCSB

Detach
District Education Officer
Navagadh.

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DISTRICT EDUCATION OFFICE, NAYAGARH

Office order No. 24 /DATE 02.01.2018

In pursuance of Notification No. 25290/SME-XIII-SME-AE-06/2016 dt. 22.12.2016 of S & ME Department communicated vide Memo No. 23047 dt. 30.12.2016 of Directorate of Elementary Education, Odisha and Resolution No. 14467 / SME -XIII-SME-AE-06/2016 dt. 25.07.2016, Letter No. 24968/ SME dated 15.12.2017 communicated vide Memo No. 25444 dated 20.12.2017 by Director, Elementary Education, Odisha, Bhubaneswar and Letter No. 24963/ SME dated 15.12.2017 communicated vide Memo No. 25446 dated 20.12.2017 by Director, Elementary Education, Odisha, Bhubaneswar and on recommendations of District Selection Committee vide its resolution dated 05.08.2017 and in partial modification of this office order No. 6071 Dated 23.10.2017 towards regularization of Gana Shikshakas as Level-V Asst. Teacher(ex-cadre) by cancellation of this office order with the reason noted therein in the revised instruction of Govt. in S & ME Department, Odisha, the following Gana Shikshakas of Odagaon Block are hereby appointed provisionally as Level-V, Asst. Teacher(ex-cadre) against the post created vide letter No. 17864/ SME PTI-SME-MSSA-MSSA1-0056/2017 dt. 18.09.2017 of School and Mass Education Department communicated vide memo No. 17292 dt. 20.09.2017 of Director, Elementary Education, Odisha in the scale of pay of Rs. 5200-20200/- with G.P. Rs. 2200/- with other allowances as admissible under rules from time to time w.e.f. 01.03.2017.

Further, Government have also deleted the point No. 11 of S & ME Deptt. Notification No. 25290, dtd. 22.12.2016 and applicability of ORV Act and other principles of reservation have been relaxed for regularization of Gana Shikshakas as Level-V Assistant Teacher(Ex-Cadre)

Sl. No.	Name of the Level-V Asst. Teacher(ex-cadre)	Name of the School
1	ALOK KUMAR JETHI	GOLAGAON UGMES
2	ANUCHHAYA RAODHAN	BIRAJAI PS
3	ARUN KUMAR MOHARANA	DIMISAR PS
4	ASHOK KUMAR NAIK	BITALAGADIA PS
5	ASHOK KUMAR MAHAPATRA	A.C. NUPS P. MANAPUR
6	ASHOKA KUMAR JENA	KESIPATANIA NUPS
7	BALABHADRA NAHAK	GOVT.(ME) GUDIPADA
8	BANDITA KUMARI SAHOO	GOVT UGME PANCHIRIDA
9	BASANTA KUMAR BEHERA	PANCHIRIDA UGMES
10	BIHAGYALATA BIHOLA	SIKHARPUR (R) PS
11	BHANUMATI DEI	SIKHARPUR APS
12	BIDYADHAR SAHOO	KOMAND NUPS
13	BIJAYA KUMAR DALABEHERA	TODIBARI PPS
14	BIJAYA KUMAR PANDA	DIMISAR UPS

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15	BIJAYA KUMAR BEHERA	SALIAJHARI PPS
16	BIPIN KUMAR S-VAIN	BADAKUTUNI PUPS
17	BISHNU PRASAD MISHRA	BHALADIHI NUPS
18	BISWANATHA DALABEHERA	MAINSIGOTHAPALLI PPS
19	DAMAYANTI PATRA	DHANRIYAPUR PPS
20	DASARATHI JENA	DARASAHU UG HIGHSCHOOL
21	DASARATHI PRADHAN	DANTHAPUR UC UPS
22	DILLIP KUMAR BISHOI	LANDABADU PS
23	DUKHISHYAM PRADHAN	JANATA NUPS KORAPITHA
24	GAGAN BIHARI PRIPATHY	BADAKUTUNI PUPS
25	GANGADHAR DAS	CENTER PS KURALA
26	GIRIJA SANKAR PRADHAN	KURUMUNDALI PUPS
27	GITANJALI DASH	BAUNSI PS
28	GITANJALI DEVI	MAJHIKHANDA PUPS
29	GITANJALI PATI NAYAK	JHADASAHU UGHS
30	GOURANGA SWAIN	PANIDHANDAR PUPS
31	GOURANGA SWAIN	KHANGARAPALLI PS
32	HEMANTA KUMAR DAS	HANUMANTIA PUPS
33	INDRAMANI NAHAK	BALISINSA PUPS
34	JAGANNATH NAHAK	K.PALLI DPALLI PPS
35	JALANDHAR BEHERA	UCHHABA NUPS ARADA
36	JAYADEB SAHOO	KURUMUNDALI PUPS
37	JAYAKRISHNA PRADHAN	GANGADHAR UPS CHADAYAPALLI
38	JAYANTEE NAYAK	GOVINDA PS
39	JAYANTI SAHOO	GOVT HIGHER SECONDARY
40	JHILIDALA DAS	GOVT HIGHER SECONDARY
41	YOTSARNANISAPANGI	SIKHARPUR A PS
42	KANDIRI CHARAN JENA	GOUPALLI PS
43	KANHAI CHARAN MISHRA	BHAGADATIPHASAD PPS
44	KESHABA CHANDRA MAHARANA	UMISAR HIGHER SCHOOL
45	KRUSHNA CHANDRA ALATIA	KOMANDA MAHANSARI PPS

47	LAXMI DHAR PRADHAN	KURADHIGHASA PPS
48	LAXMI DHAR PAKARAY	KOMANDA(B) PUPS
49	LAXMINARYAN S RANGI	DAHANGI PS
50	LILYMA KUMARI RENA	PATHARA PPS
51	MAHADEV MAJI	GOCHHA PS
52	MAHENDRA PAI DA	MAGARBANDHA PUPS
53	MAMATA KUMARI DEVI	GUANDA UGHS
54	MANJU DALA NAIK	AMBARAPUR PUPS
55	MANJU LATA SAHOO	NATHIAPALLI PUPS
56	MANJULATA DE	MAGARBANDHA PUPS
57	MINA DEI	B.A.CO.OP.ANGISINGHI
58	MINAKSHI DEI	KOMANDA (A) PUPS
59	MURALI DHAR PADHAN	BINAYAKPUR NUPS
60	NARAYAN SAHOO	KURAL UPS
61	NIROJMALINI HO TA	NANDIGHORE UGME
62	NIRUPAMA DEI	GOVT ME CODIPADA
63	NIRUPAMA BISWAL	PANDERIPADA PUPS
64	PABITRA CHANDRA PRUSTY	BANTHAPUR UGUPS
65	PANU CHARANA SAHOO	DIMISAR PS
66	PANUCHARAN PATRA	K.Palli O Palli
67	PAKAMANANDA SWAIN	MAGARBANDHA PUPS
68	PRADIP KUMAR MAHAPATRA	BANAMALI UPMES SIKHARPUR
69	PRADIPTA KUMARI MISHRA	A.C. NUPS P.MANAPUR
70	PRAFULLA KUMAR MOHAPATRA	BHALADIHI NUPS
71	PRAMOD KUMAR ROUT	JHADASARI UGHS
72	PRATAPA KUMAR BEHERA	BUDHABUDHIANI PS
73	PRATIVA TRIPATHY	SUNAMUNHI NUPS
74	PRAVAKAR PATANAIK	DAYANIHARI PUPS
75	PRAVAT KUMAR BARADA	COLAGAON UGME
76	PREMANANDA PATRA	SABIDEIPUR PPS
77	PREMANANDA BEHERA	UDAYAPUR PUPS
78	PURNA CHANDRA SAHOO	KURUDANGA PS
79	PUSPANJALI OT	KOTARANGA PS

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80	RABINARAYAN MISHRA	MAKARPADA CPPS
81	RABINDRA NATIA PATRA	PETAPALLI PPS
82	RADHAGOBIND NAYAK	GOVT UG HIGHSCHOOL ROHIBANK
83	RAJENDRA KUMAR PRADHAN	GIINTHASAHI PUPS
84	RAMESH CHANTRA MAHAPATRA	RAGHUNATHPUR GOVT UGME
85	RAMESH CHANTRA MAHANTY	AC NODAL P. MANAPUR
86	RANJITA PRADHAN	NEHURUNAGAR PPS
87	RANJUBALA BEHERA	SIKHARPUR (B) PS
88	RASMITA TRIPATHY	GOVT ME GUDIPADA
89	RASMITA SAHOO	CHEMEDH NUPS
90	RITA PANDA	KADALIBANDHA PPS
91	RINA PRADHAN	MAGARBANDHA PUPS
92	SANJUBALA DEI	KAITHAPALLI PS
93	SANJUKTA DEI	SOLAPATA NUPS
94	SANKARSAN KHANDEI	B N NUPS SAKERI
95	SANTILATA SAHOO	BADAKHITUNI PUPS
96	SANTOSH KUMAR DORA	DHUSUMA PS
97	SANTOSH KUMAR SAHOO	KOMANDA (B) PUPS
98	SANTOSH KUMAR MAJHI	NATHIAPALLI PUPS
99	SANYASI PRADHAN	HARIPUR PUPS
100	SARAT CHANDRA BEHERA	GOLAGAON HIGME
101	SAROJ KUMAR MAHAPATRA	GUNTIASAHI PUPS
102	SHYAMAGHAN BEHERA	SARADHAPUR PUPS
103	SIBARAM BEHERA	BARASAH UG HIGHSCHOOL
104	SAUDAMINI DEI	PANCHUMUTOTASAH PPS
105	SRABAN KUMAR SAHOO	JAMUSAH PPS
106	SUBAS CHANDRA DALABEHERA	KOMANDA (A) PUPS
107	SUBASH CHANDRA MAHAPATRA	MAGARBANDHA PUPS
108	SUCHITRA PRADHAN	HHAGARATIPRASAD PPS
109	SUKADEB SAHOO	GOVT UGIPS ODAGAON
110	SUKANTI DEI	KARADA HATHHARIPUR UGME

10/ ———

111	SURESH CHANDR PRADHAN	GIRIDIPALLI CPS
112	SUSANTA KUMAR PATTANAYAK	GARIJINI PUPS
113	SWARNALATA SAHOO	KOMAND NUPS
114	TRINATH PRADHAN	GODIPALLI PS
115	TUNA PRADHAN	LADUSAHU NUPS

The appointment is purely temporary and will be terminated at any time without assigning any reason thereof and on the following conditionalities.

1. The Pay, D.A., HRA & other allowances to be met under the scheme Sarva Shikshya Abhiyan.
2. The posts so created are purely temporary and under the administrative control of Director of Elementary Education. These posts will be abolished automatically after the incumbent retired / resigned from the services / death of incumbent.
3. The appointment is made through the District Selection Committee chaired by Collector, Nayagarh duly following Odisha Reservation of Vacancies (in posts & services for ST & SC) Act, 1975 along with the rules made thereunder & OCS (Reservation of Vacancies for women in public services) Rules, 1994 and such other principles of reservation as prescribed by the State Govt. from time to time.
4. He/ She will work under the Headmaster/ Headmistress of the school to which he/she is appointed and will perform the duties as will be entrusted upon him/her by the concerned Headmaster of the school.
5. He/she may be assigned upon any other work by the District Education Officer/ Block Education Officer / District Project Coordinator, ITE-SSA or other authorities under the Govt. In School & Mass Education Department, Odisha from time to time.
6. He/ She must maintain regularity and punctuality in attending the school and classes.
7. He/She shall perform all such other duties as assigned to him/her by the competent authority as and when required.
8. His/her appointment is without prejudice to the claims of others.
9. The date of joining in the post of Level-V Asst. Teachers(ex-cadre) shall be reckoned as the first appointment to the service with regard to service benefit.
10. He/She will be under probation for a period of two years from the date of joining.
11. Their appointments will be cancelled/terminated on the following events.
 - a) If the appointment itself is found to be irregular or violation of relevant Govt. Rules, resolutions, guidelines issued thereof.
 - b) If any fraudulent testimonials submitted by the Level—V Asst. teacher(ex-cadre) is detected in future and he/she is criminally proceeded against.
 - c) If he/she declines to accept the offer of appointment.

The regularization of services of Gina Shikshikas as Level-V Asst Teacher w.e.f. 01.03.2017 shall be accepted subject to the production / verification of the following documents / certificates in original along with two sets of Xerox and self attested copies before the Headmaster/ Headmistress concerned.

f. ———

1. All original and Xerox copies of pass certificates in support of his/her academic qualification.
2. Two character certificates from two Gazetted Officers, Group-A or B.
3. Medical Certificate from Registered Medical Practitioner not below the rank of Asst. Surgeon certifying his/her fitness to perform duty.
4. Attestation form duly filled in.
5. Two passport size photograph duly self attested.
6. An undertaking having not more than one spouse living must be kept from each Level-V Asst. Teacher (ex-cadre) unless it is required under any custom or personal law.
7. Undertaking regarding genuineness of certificate.
8. Oath of allegiance to the constitution of India duly filled in

S. Mallik
1.1.2018

District Education Officer
Nayagarh

Memo No 25 /Date 02.01.2018

1. Copy to person concerned for information and guidance.
2. Copy to Headmaster/ Headmistress concerned for information and necessary action. They are directed to intimate the date of joining of the Level-V Asst. Teacher (ex-cadre) to this office through the concerned Block Education Officer in time.
3. Copy to Block Education Officer, Odagaon for information and necessary action with a instruction to serve the order copy to the concerned employees immediately and intimate the date of joining of said employee to this office forthwith.

S. Mallik
1.1.2018

District Education Officer
Nayagarh

Memo No 26 /Date 02.01.2018

Copy forwarded to the District Project Coordinator, Nayagarh for information and necessary action.

S. Mallik
1.1.2018
District Education Officer
Nayagarh

Memo No 27 /Date 02.01.2018

Copy submitted to the Collector & Chairman, Screening Committee, Nayagarh/ Director, Elementary Education, Odisha, Bhubaneswar/ SPD, OPEPA, Bhubaneswar for favour of kind information and necessary action.

S. Mallik
1.1.2018
District Education Officer
Nayagarh

Memo No 28 /Date 02.01.2018

Copy submitted to the Asst. Secretary to Govt. School and Mass Education Department, Odisha, Bhubaneswar for favour of kind information and necessary action with reference to Govt. Notification No. 25210/ SME -XIII-SME-AE-06/2016 dt. 22.12.2016 and No. 24968/SME dated 15.12.2017.

S. Mallik
1.1.2018
District Education Officer
Nayagarh

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DISTRICT EDUCATION OFFICE, NAYAGARHOffice order No. 19 /DATE 02.01.2018

In pursuance of Notification No. 25290/ SME-XIII-SME-AE-06/2016 dt. 22.12.2016 of S & ME Department communicated vide Memo No. 23047 dt. 30.12.2016 of Directorate of Elementary Education, Odisha and Resolution No. 14467 / SME -XIII-SME-AE-06/2016 dt. 25.07.2016, Letter No. 24988/ SME dated 15.12.2017 communicated vide Memo No. 25444 dated 20.12.2017 by Director, Elementary Education, Odisha, Bhubaneswar and Letter No. 24963/ SME dated 15.12.2017 communicated vide Memo No. 25446 dated 20.12.2017 by Director, Elementary Education, Odisha, Bhubaneswar and on recommendations of District Selection Committee vide its resolution dated 05.08.2017 and in partial modification of this office order No 6061 Dated 23.10.2017 towards regularization of Gana Shikhyaka as Level-V Asst Teacher(ex-cadre) by cancellation of this office order with the reason noted therein in the revised instruction of Govt. In S & ME Department, Odisha, the following Gana Shikhyakas of Bhapur Block are hereby appointed provisionally as Level-V, Asst. Teacher(ex-cadre) against the post created vide letter No 17864/ SME PTI-SME-MSSA-MSSA1-0055/2017 dt. 18.09.2017 of School and Mass Education Department communicated vide memo No. 17292 dt. 20.09.2017 of Director, Elementary Education, Odisha in the scale of pay of Rs. 5200-20200/- with G.P. Rs. 2200/- with other allowances as admissible under rules from time to time w.e.f. 01.03.2017.

Further, Government have also deleted the point No. 11 c, S & ME Deptt. Notification No. 25290, dt. 22.12.2016 and applicability of DRV Act and other principles of reservation have been relaxed for regularization of Gana Shikhyakas as Level-V Assistant Teacher(Ex-Cadre)

Sl. No.	Name of the Level-V Asst. Teacher(ex-cadre)	Name of the School
1	Baikunthanath Jujharsingh	Badasahara UGUPS
2	Rama Chandra Pradhan	Baigunia UPS
3	Lingaraj Pradhan	Bandhadwar UGHS
4	Sridhar Raut	Ariandapur PPS
5	Pratima Patra	Elapada UGUPS
6	Laxmidhar Khuntia	Jaharkota PPS
7	Subal Nayak	Bhokilapada PUPS
8	Biranchi Narayan Khuntia	Badilo PS
9	Jitendranath Swain	Govt. UGHS Kainfulia
10	Bharati Sarangi	Baigunia PPS
11	Rajkishore Swain	Govt. UGUPS Chish.
12	Sarojini Panda	Tikripada UGUPS
13	Sanyukta Manjari Das	Kanalong PS

14	Sujata Mohanty	Khatragadia PUPS
7	Narendra Kumar Pradhan	Laxmiprasad PS
16	Yogamaya Panda	Patharchakada PUPS
17	Sulochana Pradhan	Durgapur PPS
18	Golak Chandra Nayak	Dhanchangada UGU PS
19	Sudarsana Sahoo	Adipada PPS
20	Sanatan Pala	Dhalabandha PPS
21	Laxmi Priya Sahoo	Patna Jamusahi PS
22	Kartika Sena	Boragaon PS
23	Bhagaban Dalei	Nuapalli PUPS
24	Soubhagya Mohan Mishra	Bhogada PUPS
25	Debendranath Acharya	Manipur PUPS
26	Sulochana Nayak	Kaliapalli PS
27	Satyabhama Swain	Balgunia PS
28	Minati Rout	Manipur PUF
29	Sabita Kumari Sahoo	Madhapur PS
30	Golap Sahoo	Sarbeswar Nodal UPS
31	Jyotsnamayee Ransingh	Tangisahi PS
32	Minati Pradhan	Patharchakada PUPS
33	Sarat Kumar Pradhan	Baigunia PS-I
34	Sujata Panda	Mitani PS
35	Nabakishore Sahoo	Kesharsingh PS
36	Santhiyarani Samantaray	Golapokhari Nodal UPS
37	Maheswar Moraji Naik	Patharchakada PUPS
38	Susanti Dei	Talamarada PPS
39	Tuna Gochhi	Mahalaberana PS

The appointment is purely temporary and will be terminated at any time without assigning any reason thereof and on the following conditions:

1. The Pay, D.A., HRA & other allowances to be met under the scheme Sarva Shiksha Abhiyan.
2. The posts so created are purely temporary and under the administrative control of Director of Elementary Education. These posts will be abolished automatically after the incumbent retired, resigned from the services / death of incumbent.
3. The appointment is made through the District Selection Committee chaired by Collector, Nayagarh duly following Odisha Reservation of Vacancies (in posts & services for ST & SC) Act, 1975 along with the rules made there under & CCS (Reservation of Vacancies for women in public services) Rules, 1994 and such other principles of reservation as

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He/ She will work under the Headmaster/ Headmistress of the school to which he/she is appointed and will perform the duties as will be entrusted upon him/her by the concerned Headmaster/ Headmistress of the school.

5. He/she may not be engaged in any other work by the District Education Officer/ Block Education Officer/ Project Coordinator, RTE-SSA or other authorities under the Govt. In School or under the Education Department, Odisha, from time to time.
6. He/ She must maintain regularity and punctuality in attending the school and classes.
7. He/She shall perform all such other duties as assigned to him/her by the competent authority as and when required.
8. His/her appointment is without prejudice to the claims of others.
9. The date of joining in the post of Level-V Asst. Teachers(ex-cadre) shall be reckoned as the first appointment to the service with regard to service benefit.
10. He/She will be under probation for a period of two years from the date of joining.
11. Their appointments will be cancelled/ terminated on the following events.
 - a) If the appointment itself is found to be irregular or violation of relevant Govt. Rules, resolutions, guidelines issued thereof.
 - b) If any fraudulent testimonials submitted by the Level-V Asst. teacher(ex-cadre) is detected in future and he/she is criminally proceeded against.
 - c) If he/ she declines to accept the offer of appointment.

The regularization of services of Gano Shikhyas as Level-V Asst. Teacher w.e.f. 01.03.2017 shall be accepted subject to the production / verification of the following documents / certificates in original along with two sets of Xerox and self attested copies before the Headmaster/ Headmistress concerned.

1. All original and Xerox copies of pass certificates in support of his/her academic qualification.
2. Two character certificates from two Gazetted Officers, Group-A or B.
3. Medical Certificate from Registered Medical Practitioner not below the rank of Asst. Surgeon certifying his/her fitness to perform duty.
4. Attestation form duly filled in.
5. Two passport size photograph duly self attested.
6. An undertaking having not more than one spouse living must be kept from every Level-V Asst. Teacher(ex-cadre) unless it is required under any custom or personal law.
7. Undertaking regarding genuineness of certificate.
8. Oath of allegiance to the constitution of India duly filled in.

S. Mallik

District Education Officer
Nayagarh

Memo No. 30 / Date 02.01.2018

1. Copy to person concerned for information and guidance.
2. Copy to Headmaster, Headmistress concerned for information and necessary action. They are directed to intimate the date of joining of the Level-V Asst. Teacher (ex-cadre) to this office through the concerned Block Education Officer in time.
3. Copy to Block Education Officer, Bhapur for information and necessary action with a instruction to serve the order copy to the concerned employees immediately and intimate the date of joining of said employee to this office forthwith.

[Signature]
District Education Officer
Nayagarh

Memo No. 31 / Date 02.01.2018

Copy forwarded to the District Project Coordinator, Nayagarh for information and necessary action.

[Signature]
District Education Officer
Nayagarh

Memo No. 32 / Date 02.01.2018

Copy submitted to the Collector & Chairman, Screening Committee, Nayagarh/ Director, Elementary Education, Odisha, Bhubaneswar/ SPD, OPEPA, Bhubaneswar for favour of kind information and necessary action.

[Signature]
District Education Officer
Nayagarh

Memo No. 33 / Date 02.01.2018

Copy submitted to Addl. Secretary to Govt. School and Mass Education Department, Odisha, Bhubaneswar for favour of kind information and necessary action with reference to Govt. Notification No. 29290/SPD-XII-SME-RE-06/2016 dt. 22.12.2016 and No. 24968/SPD dt. 15.12.2017.

[Signature]
District Education Officer
Nayagarh

BLOCK EDUCATION OFFICE, BHAPUR, NAYAGARH

Memo No. 11 / Date 03.01.2018

Copy forwarded to the concerned employees for information. They are directed to join in the concerned school in time.

Memo No. 12 / Date 03.01.2018

Copy forwarded to the concerned Headmaster for information and necessary action. They are directed to intimate the date of joining of the concerned Teacher in time to the undersigned

[Signature]
Block Education Officer
Bhapur

[illegible]

**The District Education Officer,
Nayagarh**

~~ANNEXURE - 9.~~

Sir,

I, therefore humbly pray that my service may kindly be regularized in accordance with the above Govt Notification and for which act of kindness I shall be obliged.

Govt. Ups. Koushmaprasad
Date. 11.04.2022

Yours faithfully,
Rajiv Chandra (Signature) (G-5)
Govt UPS, Anandapattanam
Under B E D, Anandapattanam
School & Mass Education

Copy submitted to the Principal Secretary to Govt, School & Mass Education Department, Loksewa Bhawan/ the Director of Elementary Education, Odisha Bhubaneswar and the Collector & Dist. Magistrate, Nayagarh for kind information with prayer for regularization of my service.

02102

Attested
District Education Officer
Nayagarh

IN THE HIGH COURT OF ORISSA :CUTTACK

W.P. (C) No. 7541 of 2022

Rajib Lochan Mohanty

...

Petitioner

Vrs.

State of Odisha and others

...

Opp. Parties

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1	Counter Affidavit	-	1-7
2	True copy of the order dated 01.01.2018 passed by the Collector, Nayagarh in Misc. Case No.01 of 2018	I	8-8
3	True copy of the order dated 20.04.2018 passed by the Collector, Nayagarh in Misc. Case No.01 of 2018	II	9-10
4	True copy of the order dated 20.04.2018 passed in W.P (C) No.4684 of 2018	III	11-12
5	Government in S & ME Department letter dated 21.05.2018	IV	13-13

Cuttack

Date 23.11.2022

Dipakumar Mohanty
 Standing Counsel,
 S & ME Cell, Cuttack

Attested
D. K. Das
 District Education Officer
 Nayagarh.

IN THE HIGH COURT OF ORISSA; CUTTACK

W.P. (C) No. 7541 of 2022

Rajib Lochan Mohanty

Petitioner

Vrs.

State of Odisha and others

Opp. Parties

**COUNTER FILED BY THE DISTRICT EDUCATION
OFFICER, NAYAGARH (AUTHORISED BY THE
DIRECTOR, ELEMENTARY EDUCATION,
ODISHA BHUBANESWAR O.P. No.2)**

I, Sri Akrura Barik, aged about 54 years, Son of Late Raghunath Barik, at present working as District Education Officer, Nayagarh, A/P.O/Dist. Nayagarh, do hereby solemnly affirm and state as follows;

1. That, I have been duly authorized by the Director, Elementary Education, Odisha, Bhubaneswar. Opp. Party No.2 vide letter No. 20058 dated 09.11.2022 to file counter in this case. I have gone through the averments made in the writ petition and understood the contents made therein.

2. That, the petitioner worked as Gana Shikhyak duly appointed by the DPC, SSA, Nayagarh under Sarba Sikhya Abhiyan Scheme and imparting their services in different primary schools under Nayagarh District.

3. That, the petitioner was C.T. trained Gana Shikhyaka and has filed this writ petition due to non-consideration of his case for appointment to Level-V Asst Teacher(ex-cadre) pursuing Govt. Notification No. 25290

Pat. sc

Akrura Barik

STATE OF ODISHA

SECRETARY

6. That, after proper scrutiny of the list of eligible Gana Shikhyakas, a verified list of trained GS was prepared again. Govt. in S & ME Deptt. conveyed the creation of 563 nos of Level-V Asst. Teachers in respect

James Bond



DECLASSIFIED BY: 60322 UCBAW

of Nayagarh District vide his letter No. 17864/SME dated 18.09.2017.

7. That, before issue of appointment order on the demands of the Gana Shikhyaka Mahasangha, Govt. issued a clarification letter relating to validity of permission given to them by Departmental Officials for prosecuting higher qualification vide Letter No. 17960/ SME dated 20.09.2017 and 18240/ SME dated 23.09.2017.

In the above two letters, it is clarified by Govt. that,

a. The Gana Shikhyakas who have acquired higher qualification as non-collegiate candidate by obtaining permission from Competent Authority i.e. Collector or DPC can only be considered for regularization.

b. The clarification given at point No. 3 of the Department Letter No. 17960 dated 20.09.2017 is hereby explained further. SPD, OSEPA issued a circular on 07.04.2010 intimating that Collector is the competent authority to issue permission to Gana Shikhyakas for obtaining higher qualification. From 16.02.2008 to 07.04.2010, there was no instruction issued on competent authority to issue permission for obtaining higher qualification. In view of the above it is considered to allow the permission issued by others like C.I. of schools, D.I. of Schools, BDOs, S.I. of Schools, BRCCs and HMs during

Amura Bant

Only

4
 PRASANT KUMAR MOHANTY
 Asst. Secy. to Govt. of Orissa
 P.O. Secy. to Govt. of Orissa

16.02.2008 to 07.04.2010. After 07.04.2010, permission from the competent authority only be considered.

8. That, One Sri Balabhadra Majhi, Gana Shikhyaka of this district filed a Case before Court of the Collector, Nayagarh Vide Misc Case No. 01/2018 with a prayer to regularize his service as Level-V Asst Tr(cx- cadre), in which the Collector & D.M. Nayagarh vide order dated 01.01.2018 was passed order as below:-

"District Education Officer, Nayagarh is instructed not to take any decision on regularization of Gana Sikhyaka until further orders."

It is submitted, ultimately the said Misc. Case No.01 of 2018 has been disposed of by the Collector, Nayagarh on 20.04.2018 holding that there is no justification by the District Education Officer not to including the name of the Petitioner to regularize his service, but after such final order has been passed by the Collector, Nayagarh dated 20.04.2018, this Hon'ble Court while entertaining a P.I.L. filed by Odisha Vikash Parishad, Bhubaneswar bearing No.4684 of 2018 that till the next date of listing, the Opp. Parties shall not regularize any Gana Sikshyak as Level-V Assistant Teacher as per the Notification dated 22.12.2016 who does not possess OTET qualification and basing on such order passed by this Hon'ble Court in the aforesaid Writ Petition, the State Government in its letter dated 21.05.2018 directed the

Along Ben

12/3/18

4

PREPARED BY: J. K. JANA
Notary, Nayagarh
Regd. No. 100/2018

authorities not to regularize in Gana Sikshyak as Level-V Assistant Teacher who does not possess OTET qualification. For better appreciation, the copy of the order dated 01.01.2018 passed by the Collector, Nayagarh in Misc. Case No.01 of 2018, copy of the order dated 20.04.2018 of the Collector, Nayagarh passed on Misc Case No. 01 of 2018, copy of the order dated 24.04.2018 passed in W.P.(C) No.4684 of 2018 and the consequential government letter dated 21.05.2018 are annexed herewith as Annexure-I, II, III & IV respectively.

9. That it is respectfully submitted that after the enactment of the Right of Children to Free and Compulsory Education Act, 2009 as well as the Odisha Right of Children to Free and Compulsory Education Rules, 2010 came into force whereby for appointment of a teacher in elementary cadre minimum qualification has been prescribed by the Academic Authority where passing of Teachers Eligibility Test (TET) is mandatory for appointment of a teacher and accordingly in pursuant to the aforesaid provision, the Board of Secondary Education, Odisha is conducting such eligibility test is called as Odisha Teachers Eligibility Test and for appointment of a teacher, a candidate must have acquired the requisite training qualification along with the OTET qualification, but in the instant case, though the Petitioner claimed to be observed as Regular Primary School Teacher in terms of government notification dated 22.12.2016, but he does not

Annexure-I, II, III & IV

12/3-

4
PROBATIONER
NOTED
REGD

possess the OTET qualification till date. Therefore, he is not entitled to be regularize as Primary School Teacher due to want of OTET qualification. It is further submitted that as per Rule 16(5) of the RTE Rule, 2010 which is specifically provided that no appointment of teacher for any school can be made in respect of any person not possessing the minimum qualification as prescribed by the academic authority notified under sub-Section (1) of Section 23 of the Act, 2009. Therefore since the Petitioner does not have the requisite qualification to be appointed as Assistant Teacher for which he cannot take the benefit in terms of the government notification dated 22.12.2016 under Annexure-7 to the Writ Petition. Hence, the prayer made in the Writ Petition for regularization, the Petitioner has Level-V Assistant Teacher is not at all tenable in the eye of law due to non-acquisition of the required OTET qualification.

10. That it is respectfully submitted that law is well settled in series of judicial pronouncement that once a person does not have the requisite qualification, he cannot entitled to claim such post in any manner and in the instant case, since the Petitioner claiming a regularization and without having OTET qualification is not entitled to get the said benefit, for which the Writ Petition is thoroughly mis-conceive and the same is liable to be dismissed being devoid of merit.

PRATAP NARAYAN
NOTARY
REGD.

Pratap Narayan

11. That it is also a fact that this Hon'ble Court in W.P.(C) No.4684 of 2018 passed order not to regularize the service of Gana Sikshyak as Assistant Teacher who does not possess OTET qualification but the said Writ Application is ultimately dismissed as withdrawn, but after dismissal of the said Writ Petition, there is no instruction from the State Government to regularize the claim of the Gana Sikshyak who does not possess the qualification. Therefore, the prayer of the Petition is devoid of merit and the same is liable to be dismissed.

12. That the averments which are not specifically denied are deemed to be denied and this Deponent reserves his right to file any additional affidavit if necessary in future.

13. That, the facts stated above are all true to the best of my knowledge and based on official records.

Identified by

Srinandhu Mohapatra
ASO, A.G Office.

Aruna Bandy
DEPONENT

Certificate

Due to non-availability of cartridge papers this affidavit has been typed in white thick papers.



Place : CUTTACK

Date : 23.11.2022

Dipakumar Mohanty
Standing Counsel
School and Mass Education Cell

SPECIAL
ADHESIVE

23/11/2022
11/4/2023
11/4/2023
11/4/2023

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COURT OF THE COLLECTOR, NAYAGARH

Extract of order dt. 01.01.2018 passed by the Collector, Nayagarh
in Misc case No. 01/2018

1. Chiranjibi Jayasingh, S/o- Pravakar Jayasingh,
Vill- Komanda, P.O.- Godipada, P.S.- Sarankul,
Dist- Nayagarh
 2. Balabhadra Majhi, S/o- Late Achutananda Majhi,
Vill/P.O.- Bhaladihi, P.S.- Sarankul,
Dist- Nayagarh
 3. Dushmanta Kumar Pattanai, S/o- Benudhar Pattanai,
Vill/P.O.- Machhipada, P.S./Dist- Nayagarh
 4. Banshidhara Matagajasingh, S/o- Banambar Mallik
Vill- Anandapur, P.O- Chakradhara Prasad,
P.S.- Fategarh, Dist- Nayagarh
 5. Krushma Chandra Dalabehera, S/o- Bhajaman Dalabehera,
Vill- Nuapalli, P.O- Bhagabanpur,
P.S.- Fategarh, Dist- Nayagarh
-Petitioners

-Vrs-

District Education Officer, Nayagarh
A/P.O/P.S.- Dist- Nayagarh

..... Opposite party

Order dt. 01.01.2018

XXX XXX XXX XXX XXX XXX XXX

District Education Officer, Nayagarh is instructed not to take any
decision on regularization of Gana Sikhyaka until further orders.

Typed to my dictation
& Corrected by me

Sd/-
Collector & D. M., Nayagarh

Sd/-
Collector & D. M., Nayagarh

Memo No. 01 / Court Dt. 01.01.2018
Copy forwarded to Block Education Officer, Nayagarh for
information and necessary action.

DISTRICT EDUCATION OFFICE

NO. 50

DATE. 05-01-2018

Collector & D. M., Nayagarh

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Annexure - II

COURT OF THE COLLECTOR, NAYAGARH
Extract of order dt. 20.04.2018 passed by the Collector, Nayagarh
in Misc case No. 01/2018

1. Chitranjibi Jayasingh, S/o- Pravakar Jayasingh,
VIII- Komanda, P.O.- Godipada, P.S.- Sarankul,
Dist- Nayagarh
2. Balabhadra Majhi, S/o- Late Achutananda Majhi,
VII/P.O.- Bhalladihi, P.S.- Sarankul,
Dist- Nayagarh
3. Dushmanta Kumar Pattanalk, S/o- Benudhar Pattanalk,
VIII/P.O.- Machhipada, P.S./Dist- Nayagarh
4. Banshidhara Matagajasingh, S/o- Banambar Mallik
VIII- Anandapur, P.O- Chakradhara Prasad,
P.S.- Fategarh, Dist- Nayagarh
5. Krushna Chandra Dalabehera, S/o- Bhajaman Dalabehera,
VII- Nupalli, P.O- Bhagabanpur,
P.S.- Fategarh, Dist- Nayagarh

..... Petitioners

-Vrs-

District Education Officer, Nayagarh
A/P.O./P.S.- Dist- Nayagarh

..... Opposite party

12/4/2018 Order dt. 20.04.2018

This case is put up today. The petitioners are present through their advocate. O.P. is present. The prayer of the petitioners is to direct the O.P. to regularize their name as Level V Asst. Teacher (ex cadre) as per the order of the Govt. in School & Mass Education Deptt., Odisha communicated vide notification No. 25290 dt. 22.12.16. The advocate for the petitioner stated that though the petitioners are eligible to be regularized as level V Asst. Teacher, the D.E.O. Nayagarh has arbitrarily scuffnize the selection list without the approval of the Dist. level committees and deleted 21 candidates out of approved selection list of the Dist. level committee where in the name of these petitioners have been found place. Further he stated that the Deputy Director, Planning office of the Directorate Elementary Education Odisha has requested vide order No. 14719 dt. 24.8.17 communicated vide Memo No. 14721 dt. 24.8.17 to display the list of eligible Gana Sikshyaks who have fulfilled all eligibility criteria in respect of their district in their notice board by 24.8.17 positively. Accordingly 487 nos. of G.S. of this district are eligible for regularization. The D.E.O. has misinterpreted the intention of the letter and arbitrarily deleted the name of the petitioners which needs cancellation and rectification.

DISTRICT EDUCATION OFFICE
NO. 14719
DATE 24.08.17

10/118

On the other hand the D.E.O., Nayagarh has furnished the P.W.C. and admitted the list of approved 487 trained G.S. who are found eligible for appointment of level V Asst. Teacher. Prior to approval of the selected G.S. the SPD OPEPA vide his letter No. 6636 dt. 24.8.17 has directed the D.P.C., Nayagarh for publication of the list & Biometrics in office notice Board and invite objection if any from the stake holder if something wrong noticed by them after proper scrutiny. Accordingly scrutiny was made and 21 ineligible candidates were found. It is also not a fact that the petitioners have submitted permission letter from the competent authority at the time of scrutiny. Out of the 3 applicants 2 applicants have submitted their permission letter for which their case will be considered in the next selection committee meeting.

Again the D.E.O., Nayagarh vide her letter No. 1978 dt. 6.4.18 has specified that all the 5 petitioners have furnished their permission letters for which the name of all petitioners were placed before the selection committee held on 16.3.18 and it was decided to regularize the case of the petitioners after vacating of stay order.

In view of the facts & circumstances mentioned above I do not find any justification in the act of the D.E.O. not to include the name of the petitioners to regularize their services.

The D.E.O., Nayagarh is instructed not to delay any further to regularize the case of the petitioners. The entire process should be completed by 15.5.2018 and compliance be reported. The other debarred candidates of similar nature should be considered along with these petitioners.

The stay order imposed in this case is hereby vacated for all purposes.

Pronounced the order in the open court today i.e. on 20.04.2018.

Typed to my dictation
& Corrected by me

Sd/-
Collector & D. M., Nayagarh

Sd/-
Collector & D. M., Nayagarh

Memo No. 33 / Court Dt. 20.4.18
Copy forwarded to District Education Officer, Nayagarh for
information and necessary action.

Collector & D. M., Nayagarh

H 119

Annexure

O.H.C. 987

In the High Court of Orissa, Cuttack
W.P.(C) No. 4584 of 2018

119

Sl. No. of Order	Date of Order	ORDER WITH SIGNATURE State of Orissa	Office note as to action (if any) taken on Order
			app

W.P.(C) No. 4584 of 2018
And
Misc. Case No. 4020 of 2018

4 24.04.2018

The challenge in this writ petition is to the notification dated 22.12.2018 which is for regularization of Gans Sikshyaks.

The submission of learned counsel for the petitioner is that the minimum qualification for appointment of a Level-V Assistant Teacher is that he/she should have passed Orissa Teachers Eligibility Test (OTET). By means of the said notification dated 22.12.2018 it has been provided in Clause 2(b) that the Gans Sikshyaks would be regularized even if they do not have the OTET qualification and have been given time up to 31.03.2019 to acquire such qualification. It is further provided that in case the Gans Sikshyaks does not pass the OTET by 31.03.2019, he/she will not get further increment. It is contended that by the said Clause even a person who does not have the minimum qualification of OTET would be entitled to be appointed/regularized as Assistant Teacher Level-V. It is further contended that the said clause provides that in future also if the Gans Sikshyaks who has been regularized does not acquire such qualification he/she would continue to be an Assistant Teacher but would not get further increment. It is not understood as to how a person can be regularized in service as Level-V Assistant Teacher without even having the minimum qualification of OTET examination.

Sri A.K. Pandey, learned Standing Counsel for the

126
[O. H. C.-98]

72 120

Sl. No. of Order	Date of Order	ORDER WITH SIGNATURE	Office note as to action (if any), taken on Order
		<p>School and Mass Education Department has accepted notice for all the opposite parties. He prays for and is granted two weeks time to file counter affidavit. The petitioner shall have two weeks thereafter to file rejoinder affidavit.</p> <p>Let immediately after four weeks.</p> <p>Considering the facts and circumstances of the case and keeping in view the statement made by learned counsel for the petitioner, we are satisfied that the petitioner has made out a prima facie case for grant of interim protection. Accordingly, it is directed that in the next date of listing, opposite parties shall not regularize any <u>Gana Sukhyaka as Level-V Assistant Teacher under the notification dated 22.12.2016,</u> who does not possess OTET qualification. However, it is made clear that there shall be no prohibition on such Gana Sukhyaka to continue, if the opposite parties so advised.</p> <p>Issue urgent certified copy as per rules.</p> <p>A free copy of this order be handed over to Sri AK Pandey, learned Standing Counsel for the School and Mass Education Department.</p> <p style="text-align: right;">ed/- Vineet Kumar, J ed/- Dr. B. R. Gaur, J</p> <p style="text-align: center;">True Copy for 12/12/2018 Supdt</p>	

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DIRECTORATE OF
ELEMENTARY EDUCATION,
ODISHA, BHUBANESWAR

Government of Odisha
Department of School & Mass Education

22 MAY 2018

No. 1101 /SME, Dated. 21-5-18
XIV-SME-LC-III(De-11)-1107018

Top Priority

Sri Ramish Kerketta, OAS (S)
Joint Secretary to Government

The Director, Elementary Education, Odisha
The State Project Director (OPEPA), Bhubaneswar

Sub:- W.P.(C) No.4684/2018 filed by Odisha Vikash Parishad & Another Versus State of Odisha & others

Sir

I am directed to invite a reference on the subject cited above and to say that Odisha Vikash Parishad & another have filed W.P.(C) (PIL) No. 4684/2018 before the Hon'ble High Court challenging the regularization of Gana Sikshyaks as Level-V Asst. teacher.

The Hon'ble High Court in their order dated 24.04.2018 (copy enclosed) in Misc. Case No.4020/2018 arising out of aforesaid writ petition have directed that opposite parties shall not regularize the Gana Sikshyaks as Level-V Asst. teacher who does not possess OTET qualification. Such Gana Sikshyaks may be allowed to continue as such subject to final result of WP(C) 4684/2018.

You are, therefore, requested to implement the said order in letter and spirit.

Yours faithfully

Joint Secretary to Government

DIRECTORATE OF ELEMENTARY EDUCATION, ODISHA, BHUBANESWAR

Memo No. 3C-167-2018-III- 12678

//Date: 25-5-18

Copy to All BEOs/ All DPC, RTE, SSA/ All DEOs/ All Collector of the State for Information & necessary action.

Deputy Director (Plan.)

17/11/18
District Education Officer
Nayagarh.

122 79

Annexure-6
Annexure-6

प्राधिकृत रूप में प्रकाशित

मुद्रण सं. 11, 4384/99

भारत का राजपत्र The Gazette of India

असाधारण

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PART III—Section 4

प्राधिकार से प्रकाशित

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नई दिल्ली, बुधवार, अगस्त 25, 2010/भाद्र 3, 1932

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राष्ट्रीय अध्यापक शिक्षा परिषद्

अधिसूचना

नई दिल्ली, 23 अगस्त, 2010

फा. सं. 61-03/2010/एनसीटीई (एन एंड एस).—निःशुल्क एवं अनिवार्य बाल शिक्षा अधिनियम, 2009 (2009 का 35) की धारा 23 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और स्कूली शिक्षा और साक्षरता विभाग, मानव संसाधन विकास संचालय, भारत सरकार द्वारा जारी दिनांक 31 मार्च, 2010 को अधिसूचना सं. बी.आर. 250 (के) के अनुसार में राष्ट्रीय अध्यापक शिक्षा परिषद् एतद्वारा इस अधिसूचना की शीर्ष से निःशुल्क और अनिवार्य बाल शिक्षा अधिनियम, 2009 की धारा 2 के खण्ड (ड) में संदर्भित स्कूलों में कक्षा I से VIII में अध्यापक के रूप में नियुक्ति की पात्रता हेतु निम्नलिखित न्यूनतम योग्यता निर्धारित करती है:—

1. न्यूनतम योग्यता —

(i) कक्षा I-V

(क) न्यूनतम 50% अंकों के साथ उच्चतर माध्यमिक (या इसके समकक्ष) एवं प्रारंभिक शिक्षा शास्त्र में द्विवर्षीय डिप्लोमा (जिस नाम से भी जाना जाता हो)

या

न्यूनतम 45% अंकों के साथ उच्चतर माध्यमिक (या इसके समकक्ष) एवं प्रारंभिक शिक्षा शास्त्र में द्विवर्षीय डिप्लोमा (जिस नाम से भी जाना जाता हो), जो राष्ट्रीय अध्यापक शिक्षा परिषद् (मान्यता, मानक और क्रियाविधि) विनियम, 2002 के अनुसार प्राप्त किया गया हो।

3344 GU/2010

(1)

Attestd
District Education Officer
Nayagarh.

या

न्यूनतम 50% अंकों के साथ उच्चतर माध्यमिक (या इसके समकक्ष) एवं 4 वर्षीय प्रारंभिक शिक्षा शास्त्र स्नातक (बी.एल.एड.)

या

न्यूनतम 50% अंकों के साथ उच्चतर माध्यमिक (या इसके समकक्ष) एवं शिक्षा शास्त्र में द्विवर्षीय डिप्लोमा (विशेष शिक्षा).

और

(ख) राष्ट्रीय अध्यापक शिक्षा परिषद् द्वारा निरूपित आदर्शपूर्ण सिद्धान्तों के अधीन उम्मेदवार सरकारों द्वारा आयोजित [अध्यापक पात्रता परीक्षा (टीईटी) में उत्तीर्ण]।

(ii) कक्षा VI-VIII

(क) बी.ए. / बी.एस.सी. और प्रारंभिक शिक्षा शास्त्र में द्विवर्षीय डिप्लोमा (विशेष भाग से भी जाना जाता हो)

या

न्यूनतम 50% अंकों के साथ बी.ए. / बी.एस.सी. एवं शिक्षा शास्त्र में एकवर्षीय स्नातक (बी.एड.)

या

न्यूनतम 45% अंकों के साथ बी.ए. / बी.एस.सी. एवं शिक्षा शास्त्र में एकवर्षीय स्नातक (बी.एड.) जो इस संबंध में समय-समय पर जारी गैरकानूनी अध्यापक शिक्षा परिषद् (एनएटी) द्वारा किया विनियम के अनुसार प्रस्ता किया गया हो

या

न्यूनतम 50% अंकों के साथ उच्चतर माध्यमिक (या इसके समकक्ष) एवं 4 वर्षीय प्रारंभिक शिक्षा शास्त्र स्नातक (बी.एल.एड.)

या

न्यूनतम 50% अंकों के साथ उच्चतर माध्यमिक (या इसके समकक्ष) एवं 4 वर्षीय बी.ए./बी.एससी एड. या बी.ए.एड./बी.एससी.एड.

या

न्यूनतम 50% अंकों के साथ बी.ए./बी.एससी एवं एकवर्षीय बी.एड. (विशेष शिक्षा)

और

(ख) राष्ट्रीय अध्यापक शिक्षा परिषद् द्वारा निरूपित गार्पदर्शी सिद्धान्तों के अधीन उभयव्यक्त-सरकारों द्वारा आयोजित अध्यापक मात्रता परीक्षा (टी.ई.टी.) में उत्तीर्ण।

2. अध्यापक शिक्षा शास्त्र में डिप्लोमा/डिग्री पाठ्यक्रम - इस अधिसूचना के संदर्भ में केवल राष्ट्रीय अध्यापक शिक्षा परिषद् (राअशिप) द्वारा मान्यता-प्राप्त अध्यापक शिक्षा शास्त्र में डिप्लोमा/डिग्री पाठ्यक्रम मान्य होगा। शिक्षा शास्त्र में डिप्लोमा (विशेष शिक्षा) और बी.एड. (विशेष शिक्षा) के लिए केवल भारतीय पुनर्वास परिषद् (आरसीआई) द्वारा मान्यता-प्राप्त पाठ्यक्रम मान्य होगा।

3. विशेष अनिवार्य प्रशिक्षण - वह व्यक्ति,

(क) जिसके पास न्यूनतम 50% अंकों के साथ बी.ए./बी.एससी और बी.एड. योग्यता है, तथा :
से 1 में नियुक्ति के लिए 1 जनवरी, 2012 तक पात्र होगा, बशर्ते कि वह नियुक्ति के बाद

प्रारंभिक शिक्षा शास्त्र में राष्ट्रीय अध्यापक शिक्षा परिषद् द्वारा मान्यता-प्राप्त 6-माह का विशेष प्रशिक्षण प्राप्त कर ले ।

(ख) जिसके पास डी. एड. (विशेष शिक्षा) या बी.एड. (विशेष शिक्षा) की योग्यता है, उसे नियुक्ति के बाद प्रारंभिक शिक्षा शास्त्र में राष्ट्रीय अध्यापक शिक्षा परिषद् द्वारा मान्यता-प्राप्त 6-माह का विशेष प्रशिक्षण प्राप्त करना आवश्यक होगा ।

4. इस अधिसूचना की तिथि से पहले नियुक्त अध्यापक :- इस अधिसूचना की तिथि से पूर्व कक्षा I से VIII के लिए नियुक्त निम्नलिखित श्रेणी के अध्यापकों को उपर्युक्त पैरा (1) में निर्धारित न्यूनतम योग्यतां हासिल करने की आवश्यकता नहीं है :-

(क) राष्ट्रीय अध्यापक शिक्षा परिषद् (स्कूलों में अध्यापकों की भर्ती के लिए न्यूनतम योग्यताओं का निर्धारण) विनिर्देश, 2001 (संशोधन) पर यथा संशोधित के अनुसार 3 सितम्बर, 2001 अथवा उसके बाद नियुक्त अध्यापक।

किन्तु बी.एड. की योग्यता रखने वाले कक्षा I से V के अध्यापकों या बी.एड. (विशेष शिक्षा) या डी.एड. (विशेष शिक्षा) की योग्यता रखने वाले अध्यापकों को प्रारंभिक शिक्षा शास्त्र में राष्ट्रीय अध्यापक शिक्षा परिषद् द्वारा मान्यता-प्राप्त 6-माह का विशेष प्रशिक्षण प्राप्त करना होगा ।

(ख) कक्षा I से V के शिक्षा स्नातक (बी.एड.) योग्यताधारी अध्यापक जिसने पूर्व में राष्ट्रीय अध्यापक शिक्षा परिषद् द्वारा अनुमोदित 6-माह का विशेष आधारभूत अध्यापक पाठ्यक्रम (विशेष बी.टी.सी.) पूरा कर लिया है ।

प्रारंभिक शिक्षा शास्त्र में राष्ट्रीय अध्यापक शिक्षा परिषद् द्वारा मान्यता-प्राप्त 6-माह का विशेष प्रशिक्षण प्राप्त कर ले ।

(ख) जिसके पास डी. एड. (विशेष शिक्षा) या बी.एड. (विशेष शिक्षा) की योग्यता है, उसे नियुक्ति के बाद प्रारंभिक शिक्षा शास्त्र में राष्ट्रीय अध्यापक शिक्षा परिषद् द्वारा मान्यता प्राप्त 6-माह का विशेष प्रशिक्षण प्राप्त करना आवश्यक होगा ।

4. इस अधिसूचना की तिथि से पहले नियुक्त अध्यापक :- इस अधिसूचना की तिथि से पूर्व कक्षा I से VIII के लिए नियुक्त निम्नलिखित श्रेणी के अध्यापकों को उपर्युक्त पैरा (1) में निर्धारित न्यूनतम योग्यता हासिल करने की आवश्यकता नहीं है :-

(क) राष्ट्रीय अध्यापक शिक्षा परिषद् (स्कूलों में अध्यापकों की भर्ती के लिए न्यूनतम योग्यताओं का निर्धारण) विनियम, 2001 (संशोधन) पर यथा संशोधित के अनुसार 3 सितम्बर, 2001 अथवा उसके बाद नियुक्त अध्यापक :-

किन्तु बी.एड. की योग्यता रखने वाले कक्षा I से V के अध्यापकों या बी.एड. (विशेष शिक्षा) या डी.एड. (विशेष शिक्षा) की योग्यता रखने वाले अध्यापकों को प्रारंभिक शिक्षा शास्त्र में राष्ट्रीय अध्यापक शिक्षा परिषद् द्वारा मान्यता-प्राप्त 6-माह का विशेष प्रशिक्षण प्राप्त करना होगा ।

(ख) कक्षा I से V के शिक्षा स्नातक (बी.एड.) योग्यताधारी अध्यापक जिसने पूर्व में राष्ट्रीय अध्यापक शिक्षा परिषद् द्वारा अनुमोदित 6-माह का विशेष आध्यापक पाठ्यक्रम (विशेष बी.टी.सी.) पूरा कर लिया है ।

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1 10/11/10 - 20/12/10

भारत का सर्वोच्च न्यायालय

(ग) भर्ती नियमों के अनुसार 3 सितम्बर, 2001 से पहले नियुक्त अध्यापक।

5. कुछ मामलों में इस अधिसूचना की तिथि के बाद नियुक्त अध्यापक - इस अधिसूचना की तिथि से पूर्व यदि सरकारों अथवा स्थानीय प्राधिकारियों अथवा विद्यालयों द्वारा विज्ञापन जारी कर अध्यापकों की नियुक्ति की प्रक्रिया आरम्भ कर दी गई है, ऐसी स्थिति में नियुक्तियों, राष्ट्रीय अध्यापक शिक्षा परिषद् (स्कूलों में अध्यापकों की भर्ती के लिए न्यूनतम योग्यताओं का निर्धारण) विनियम, 2001 (समय-समय पर यथासंशोधित) के अनुसार की जा सकती हैं।

हसीब अहमद, सदस्य-सचिव
[विज्ञापन(U/4/131/10-असा)]

NATIONAL COUNCIL FOR TEACHER EDUCATION
NOTIFICATION

New Delhi, the 23rd August, 2010

F.No. 61-03/20/2010/NCTE/(N&S) - In exercise of the powers conferred by Sub-section (1) of Section 23 of the Right of Children to Free and Compulsory Education Act, 2009 (35 of 2009) and in pursuance of Notification No. S.O. 750/22 dated 31st March, 2010 issued by the Department of School Education and Literacy, Ministry of Human Resource Development, Government of India, the National Council for Teacher Education (NCTE) hereby lays down the following minimum qualifications for a person to be eligible for appointment as a teacher in class I to VIII in a school referred to in clause (n) of Section 2 of the Right of Children to Free and Compulsory Education Act, 2009, with effect from the date of this Notification :-

1 Minimum Qualifications.-

(i) Classes I-V

(a) Senior Secondary (or its equivalent) with at least 50% marks and 2 - year Diploma in Elementary Education (by whatever name known)

OR

Senior Secondary (or its equivalent) with at least 45% marks and 2 - year Diploma in Elementary Education (by whatever name known), in accordance with the NCTE (Recognition Norms and Procedure), Regulations-2002

OR

Senior Secondary (or its equivalent) with at least 50% marks and 4-year Bachelor of Elementary Education (B. El. Ed.)

OR

3344 G.I./10-2

Senior Secondary (or its equivalent) with at least 50% marks and 2 - year Diploma in Education (Special Education)

AND

- (b) Pass in the Teacher Eligibility Test (TET), to be conducted by the appropriate Government in accordance with the Guidelines framed by the NCTE for the purpose.

(ii) Classes VI-VIII

- (a) B.A/B.Sc and 2 - year Diploma in Elementary Education (by whatever name known)

OR

B.A/B.Sc. with at least 50% marks and 1 - year Bachelor in Education (B. Ed)

OR

B.A/B.Sc. with at least 45% marks and 1 - year Bachelor in Education (B. Ed), in accordance with the NCTE (Recognition Norms and Procedure) Regulations issued from time to time in this regard.

OR

Senior Secondary (or its equivalent) with at least 50% marks and 4-year Bachelor in Elementary Education (B. EL Ed)

OR

Senior Secondary (or its equivalent) with at least 50% marks and 4-year B.A/B.Sc. Ed or B.A. Ed/B.Sc. Ed

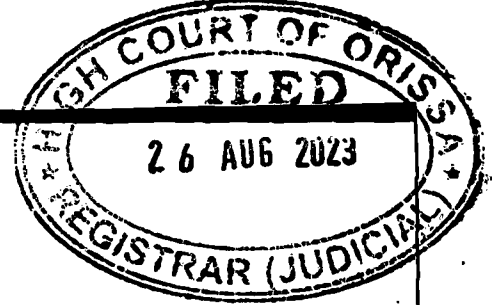
OR

B.A/B.Sc. with at least 50% marks and 1 - year B.Ed. (Special Education)

AND

- (b) Pass in the Teacher Eligibility Test (TET), to be conducted by the appropriate Government in accordance with the Guidelines framed by the NCTE for the purpose.

2 Diploma/Degree Course in Teacher Education.- For the purposes of this Notification, a diploma/degree course in teacher education recognized by the National Council for Teacher Education (NCTE) only shall be considered. However, in case of Diploma in Education (Special Education) and B. Ed (Special Education), a course recognized by the Rehabilitation Council of India (RCI) only shall be considered.



88 129

III - 4)

प्राप्त की तिथि : असाधारण

3 Training to be undergone.- A person -

(a) with BA/B.Sc. with at least 50% marks and B. Ed qualification shall also be eligible for appointment for class I to V upto 1st January, 2012, provided he undergoes, after appointment, an NCTE recognized 6-month special programme in Elementary Education.

(b) with D. Ed (Special Education) or B. Ed (Special Education) qualification shall undergo, after appointment, an NCTE recognized 6-month special programme in Elementary Education.

4 Teacher appointed before the date of this Notification.- The following categories of teachers appointed for classes I to VIII prior to date of this Notification need not acquire the minimum qualifications specified in Para (1) above,:

(a) A teacher appointed on or after the 3rd September, 2001 i.e. the date on which the NCTE (Determination of Minimum Qualifications for Recruitment of Teachers in Schools) Regulations, 2001 (as amended from time to time) came into force, in accordance with that Regulation.

Provided that a teacher of class I to V possessing B. Ed qualification, or a teacher possessing B. Ed (Special Education) or D. Ed (Special Education) qualification shall undergo an NCTE recognized 6 - month special programme on elementary education.

(b) A teacher of class I to V with B. Ed qualification who has completed a 6-month Special Basic Teacher Course (Special BTC) approved by the NCTE;

(c) A teacher appointed before the 3rd September, 2001, in accordance with the prevalent Recruitment Rules.

5 Teacher appointed after the date of this Notification in certain cases.- Where an appropriate Government, or local authority or a school has issued an advertisement to initiate the process of appointment of teachers prior to the date of this Notification, such appointments may be made in accordance with the NCTE (Determination of Minimum Qualifications for Recruitment of Teachers in Schools) Regulations, 2001 (as amended from time to time).

HASIB AHMAD, Member Secy.
(ADVT/1104/13/10-Boy.)

Attested
District Education Officer
Nayagarh.

IN THE HIGH COURT OF ORISSA: CUTTACK.

WA / _____ - No. 2165 of 2023

STATE OF ODISHA & OTHER'S PETITIONERS.

..... APPELLANTS

-VERSUS-

..... OPP. PARTIES.

Reg'd lockan mohanty RESPONDENTS.

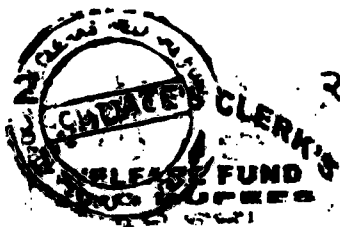
M E M O

I/We hereby enter my appearance in the above noted case on behalf of the Petitioners / Appellants.

Cuttack

Date: 24.08.2023

celt
Addl. Govt. Advocate/
MANOJA KUMAR KHUNTIA
Additional Govt. Advocate
B.C.E No.-O-98/1994
M-9437168044



1

IN THE HIGH COURT OF ORISSA : CUTTACK.

I.A No. 5870 of 2023.

(Arising out of W.A No. 2165 of 2023.)

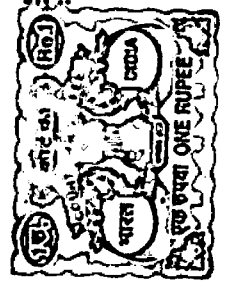


IN THE MATTER OF:

An application under Chapter - VI,
Rule 27(A) of the High Court of
Orissa.

IN THE MATTER OF:

An application under Section 5 of
the limitation Act for condonation
of delay.



AND

IN THE MATTER OF:

State of Odisha and others. ... Appellants.

-Versus -

Rajib Lochan Mohanty ... Respondent.

TO

**THE HON'BLE CHIEF JUSTICE, ORISSA
HIGH COURT AND HIS LORDSHIPS
COMPANION JUSTICES OF THE SAID
HON'BLE COURT.**

The humble petition of the
appellants named above;

cut
MANOJA KUMAR KHUNTIA
Additional Govt. Advocate
B.C.E No.-O-98/1994
M-9437168044

B. MISHRA
NOTARY, CUTTACK
ODISHA

Rajashree Pattanah
District Education Officer
Nayagarh.

MOST RESPECTFULLY SHEWETH ;

1. That, appellants above named, who are the functionaries of State of Odisha, have filed the present intra-court appeal challenging the order dated 02.12.2022 passed by the Hon'ble Single Judge in W.P. (C) No. 7541 of 2022, wherein the Hon'ble Single Judge was pleased to pass the following order;

“ XXX XXX XXX


Therefore, in view of the detailed reasons stated Judgment dated 11.11.2022 passed by this Court in W.P.(C) No. 15345 of 2022(Balabhadra Majhi V. State of Odisha and Ors), this Writ Petition stands disposed of in terms of the said Judgment.”

XXX XXX XXX

2. That, the averments made in the memorandum of appeal may be read and treated as part and parcel of this application and those are not reiterated for the sake of brevity.

3. That, the above said writ petition was disposed of by the Hon'ble Single Judge vide order dated 02.12.2022. After receipt of the above said order dated 02.12.2022 necessary consultation were made with the Government authorities and accordingly the Government after examination of the case of the

cert
MANOJA KUMAR KHUNTIA
Additional Govt. Advocate
B.C.E No.-O-98/1994
M-9437168044


B. MISHRA
NOTARY, CUTTACK
ODISHA

Rajeshree Pattanail
District Education Officer
Nayagarh.

present Respondent (Writ Petitioner) instructed the Director, Elementary Education, Odisha, Bhubaneswar vide letter dtd. 27.4.2023 to file Writ appeal challenging the order dtd. 11.11.2022 passed in the W.P© No. 15345 of 2022 filed by Balabhadra Majhi and other similar cases. Thereafter, the Director, Elementary Education vide letter dtd. 18.5.2023 instructed this deponent to file Writ appeal challenging the order dated 11.11.2022 passed by the Hon'ble Single Judge in W.P. (C) No.15345 of 2022 filed by Balabhadra Majhi and other similar cases.

4. That, it is humbly submitted that after receipt of the above said instruction from the Director, Elementary Education, Odisha, Bhubaneswar, this deponent moved the office of the Advocate General, Odisha, Cuttack for drafting of intra-court appeal.

5. That, it is humbly submitted that it is well settled in law that when technicality is pitted against substantial justice, substantial justice is to be given preference over technicality. It is also well settled that ground of limitation is a technicality.

6. That, it is humbly and respectfully submitted that the delay caused for filing of intra-court appeal is bonafide, unintentional and not willful; on the other hand the delay caused for filling of the memo of appeal

cert-
MANOJA KUMAR KHUNTIA
Additional Govt. Advocate
B.C.E No.-O-98/1994
M-9437168044

[Signature]
B. MISHRA
ADV. CUTTACK
10/04/23

Rajeshree Pattanai
District Education Officer
Nayagarh

4
is due to observation of the official formalities and due to above mentioned intervening circumstances.

7. That, it is humbly submitted that in the interest of justice, equity and fair play the delay in filing the writ appeal may be condoned and the same may be heard on merit.

P R A Y E R

Therefore, in view of the above facts and circumstances, it is humbly prayed that this Hon'ble Court may graciously be pleased to allow this petition by condoning the delay of days in filling the writ appeal;

And pass any such other order/orders as this Hon'ble Court may deem fit and proper;

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

By the appellants through;

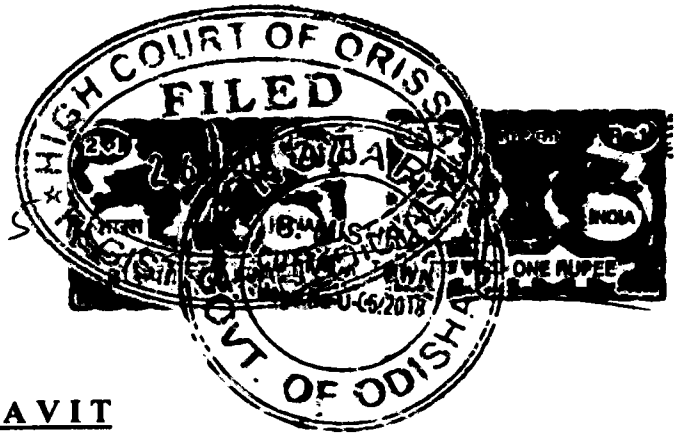
Cuttack.

Date : 24.08.2023

cert
Addl. Government Advocate,
O/O the A.G., Odisha, Cuttack.
MANOJA KUMAR KHUNTIA
Additional Govt. Advocate
B.C.E No.-O-98/1994
M-9437168044


B. MISHRA
NOTARY, CUTTACK
ODISHA

District Education Officer
Nayagarh.



AFFIDAVIT

I, Smt. Rajashree Pattanaik, aged about 58 years,
Daughter of Late Sri Giridhari Pattanaik at present
working as District Education Officer, Nayagarh,
At/Po/Dist: Nayagarh, do hereby solemnly affirm and
state as follows :-

1. That, I have been duly authorized by other
appellants to swear this affidavit on their behalf.
2. That the facts stated above are true to my
knowledge based on official records.

Identified by:

Chintu Samal

Advocate's Clerk,
A.G.'s office.

24.08.2023

Rajashree Pattanaik
Deponent.
District Education Officer
Nayagarh.

CERTIFICATE

Certified that due to non-availability of cartridge paper,
white papers have been used.

Cuttack.

Date : 24.08.2023

cent
Addl. Government Advocate,
O/O the A.G., Odisha, Cuttack.

MANOJA KUMAR KHONTIA

Additional Govt. Advocate

B.C.E No.-O-98/1994

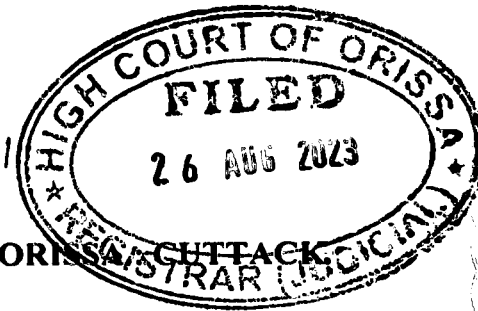
M-9437168044

Solemnly Sworn before me by.....

being identified by *Rajashree Pattanaik* Advocate's Clerk (A.G.O.)

at Cuttack dated..... 24/08/2023

B. Mishra
NOTARY, CUTTACK
ODISHA



IN THE HIGH COURT OF ORISSA, CUTTACK

I.A NO. 5871 OF 2023

(Arising out of W.A No. 2165 of 2023)

In the matter of :

An application under Chapter VI
Rule-27(A) of the High Court of
Orissa;

And

In the matter of :

An application to dispense with for
filing of certified copy of order dtd.
02.12.2022 passed in W.P(c) No.
7541 of 2022 by the Hon'ble Single
Judge, under Annexure-1 to the
present writ appeal;

And

In the matter of :

State of Odisha and others ... Appellants.

-Versus -

Rajib Lochan Mohanty ... Respondent.

TO

THE HON'BLE CHIEF JUSTICE OF THE
HON'BLE HIGH COURT OF ORISSA AND
HIS LORDSHIP'S OTHER COMPANION
JUSTICES OF THE SAID HON'BLE
COURT.

cert
MANOJA KUMAR KHUNTIA
Additional Govt. Advocate
B.C.E No.-O-98/1994
M-9437168044

B. Mishra
B. MISHRA
NOTARY, CUTTACK
ODISHA

Rajashree Pattanai
District Education Officer
Nayagam.

The humble petition of the
Appellants named above;

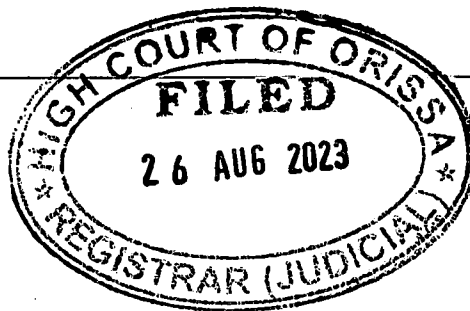
MOST RESPECTFULLY SHEWETH:

1. That, the appellants above named who are the functionaries of the State of Odisha have filed the present writ Appeal challenging the order dtd. 02.12.2022 passed in W.P(c) No. 7541 of 2022 by the Hon'ble Single Judge, under Annexure-1 to the present writ appeal.
2. That, the averments made in the writ appeal may be read as part and parcel of this interim application and those are not reiterated here for the sake of brevity.
3. That, it is respectfully submitted that the certified copy of order dtd. 02.12.2022 passed in W.P(c) No. 7541 of 2022 by the Hon'ble Single Judge, under Annexure-1 has been applied for and soon after receipt, the same will be filed before this Hon'ble Court.
4. That in view of the above said facts and circumstances, the Hon'ble Court may graciously be pleased to dispense with for filing of certified copy of order 02.12.2022 passed in W.P(c) No. 7541 of 2022 by the Hon'ble Single Judge, under Annexure-1.

cert
MANUJA KUMAR KHUNTIA
Additional Govt. Advocate
B.C.E No.-O-98/1994
M-9437168044


B. MISHRA
NOTARY, CUTTACK
ODISHA

Rajashree Pattanach
Visiting Education Officer
Nayagarh.



3

PRAYER

Therefore, in view of the above facts and circumstances, it is most respectfully prays that your Lordships may graciously be pleased to allow this interim application and dispense with for filing of certified copy of order 02.12.2022 passed in W.P(c) No. 7541 of 2022 by the Hon'ble Single Judge, under Annexure-1;

And pass such other order/orders as may deem fit and proper.

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

Rajashree Pattanai
District Education Officer
Nayagam.

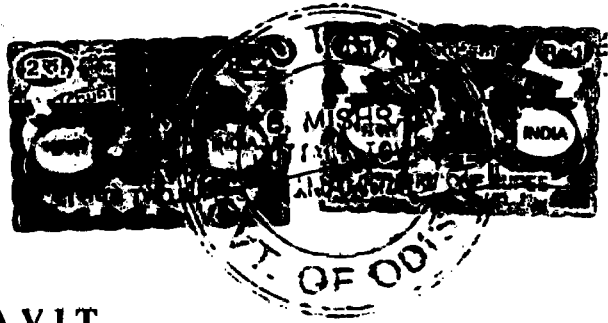
CUTTACK

DATE; 24.08.2023

By the Appellants through

cent
Addl. Government Advocate.
MANOJA KUMAR KHUNTIA
Additional Govt. Advocate
B.C.E No.-O-98/1994
M-9437168044

B
B. MISHRA
NOTARY, CUTTACK
ODISHA



AFFIDAVIT

I, Smt. Rajashree Pattanaik, aged about 58 years,
Daughter of Late Sri Giridhari Pattanaik at present
working as District Education Officer, Nayagarh,
At/Po/Dist: Nayagarh, do hereby solemnly affirm and
state as follows :-

1. That I have been duly authorised by the other
Respondent to swear this affidavit on their
behalf.
2. That the facts stated above are true to my
knowledge, based on official records.

Identified by:

Chinfa Samal

Advocate Clerk,
A.G. Office.
24.08.2023

Rajashree Pattanaik
Dependent.
District Education Officer
Nayagarh.

CERTIFICATE

Certified that cartridge papers are not available.

CUTTACK.

Dt. 24.08.2023.

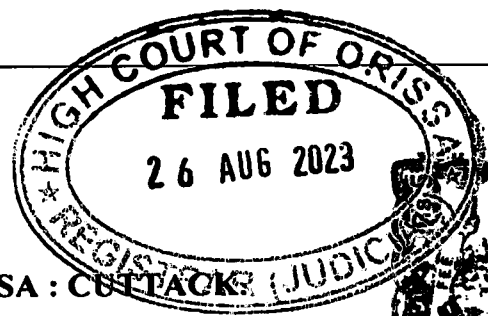
cert
Addl. Government Advocate.
MANOJA KUMAR KHUNTIA
Additional Govt. Advocate
B.C.E No.-O-98/1994
M-9437168044

Solemnly Sworn before me by.....

being identified by.....

at Cuttack dated.....

Rajashree Pattanaik
E. Samal
24/08/2023
24/08/23
B. MISHRA
NOTARY, CUTTACK
ODISHA



IN THE HIGH COURT OF ORISSA : CUTTACK JUDICIAL

I.A No. 5872 of 2023.

(Arising out of W.A No. 2165 of 2023)



IN THE MATTER OF:

An application under Chapter VI Rule-
27(A) of the High Court of Orissa;

AND

IN THE MATTER OF:

An application praying for stay of
operation of order dated 02.12.2022
passed by the Hon'ble Single Judge in
W.P. (C) No. 7541 of 2022;

AND

IN THE MATTER OF:

State of Odisha and others. ... Appellants.

-Versus -

Rajib Lochan Mohanty ... Respondent.

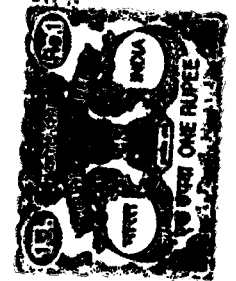
TO

THE HON'BLE CHIEF JUSTICE, ORISSA
HIGH COURT AND HIS LORDSHIPS
COMPANION JUSTICES OF THE SAID
HON'BLE COURT.

The humble petition of the
appellants named above;

certs
MANOJA KUMAR KHUNTIA
Additional Govt. Advocate
B.C.E No.-O-98/1994
M-9437168044

B. Mishra
B. MISHRA
NOTARY, CUTTACK
ODISHA



Rajib Lochan Mohanty
Rajib Lochan Mohanty
Jishu Education Officer
Nayagarh.

MOST RESPECTFULLY SHEWETH:

1. That, appellants above named, who are the functionaries of State of Odisha have filed the present memo of appeal challenging the order dated 02.12.2022 passed by the Hon'ble Single Judge in W.P. (C) No. 7541 of 2022.
2. That, the averments made in the writ appeal may be read as part and partial of this interim application and those are not reiterated here for the sake of brevity.
3. That, it is respectfully submitted that the grounds taken in the Writ Appeal are very good grounds and the appellants have a fair chance of success.
4. That, unless the operation of order dated 02.12.2022 passed by the Hon'ble Single Judge in W.P. (C) No. 7541 of 2022 is stayed then the appellants will suffer irreparable loss and hardship.
5. That, in view of the above said facts and circumstances, this Hon'ble Court may graciously be pleased to stay the operation of order dated 02.12.2022 passed by the Hon'ble Single Judge in W.P. (C) No. 7541 of 2022 till disposal of writ Appeal.

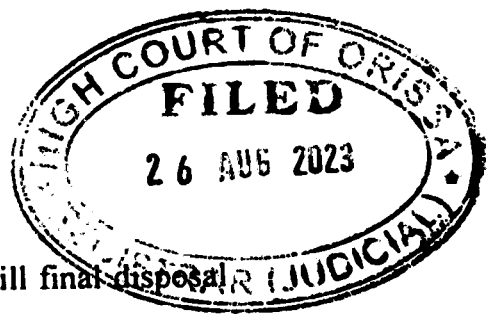
PRAYER

Therefore, in view of the above facts and circumstances, it is most respectfully prayed that your Lordships may graciously be pleased to allow this interim application and kindly stay the operation of order dated 02.12.2022 passed by the Hon'ble Single

certs
MANOJA KUMAR KHUNIA
 Additional Govt. Advocate
 B.C.E No.-O-98/1994
 M-9437168044

[Signature]
B. MISHRA
 NOTARY, CUTTACK
 ODISHA

Rajashree Pattanai
 Dist. Education Officer
 Nayagarh.



3

Judge in W.P. (C) No. 7541 of 2022 till final disposal
of the above intra-court appeal;

And pass such other order/orders as may deem
fit and proper.

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

By the appellants through;

Cuttack.

Addl. Government Advocate,

Date : 24.08.2023 O/O the A.G., Odisha, Cuttack.

AFFIDAVIT

I, Smt. Rajashree Pattanaik, aged about 58 years,
Daughter of Late Sri Giridhari Pattanaik at present
working as District Education Officer, Nayagarh,
At/Po/Dist: Nayagarh, do hereby solemnly affirm and
state as follows :-

1. That, I have been duly authorized by other
appellants to swear this affidavit on their behalf.
2. That the facts stated above are true to my
knowledge based on official records.

Identified by:

Chinmoy Samal

Advocate's Clerk,

A.G.'s office.

24.08.2023

Dep on

CERTIFICATE

Rajashree Pattanaik
District Education Officer,
Nayagarh.

Certified that due to non-availability of
cartridge paper, white papers have been used.

Cuttack.

Addl. Government Advocate,

Date : 24.08.2023 O/O the A.G., Odisha, Cuttack.

solemnly Sworn before me by...

being identified by...

at Cuttack dated...

MANOJA KUMAR KHUNTIA

Additional Govt. Advocate

B.C.E No.-O-98/1994

(AGP) M-9437168044

B. MISHRA
NOTARY, CUTTACK,
ODISHA

SCANNED

**COMPUTERISED FILING COUNTER
ORISSA HIGH COURT,CUTTACK
ACKNOWLEDGEMENT SLIP**

Scat No : 6

Branch No : WRIT APPEAL

Receipt No : 149537/2024

Date Of Receiving : 09/12/2024

Time : 12:20:02 PM

Filing No : **WA/2165/2023**

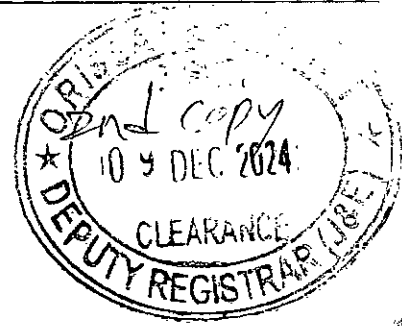
Case No : **WA/2165/2023**

Received From : Petitioner

Filed By: ADDL. GOVT ADVOCATE

Document(s) Filed :

2- Legible Copy -e-Filing hard copy(Govt.)



IN THE HIGH COURT OF ORISSA: CUTTACK.

WA No. 2165 of 2023

STATE OF ODISHA & OTHERS PETITIONERS.

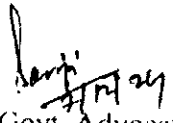
-VRS-

RAJIB LOCHAN MOHANTYRESPONDENT.

M E M O

In pursuance of the Hon'ble High Court Order dated 03.12.2024 legible copies of page No.93 to 96 are filed here with for removal of defect as pointed out by the Stamp Reporter in the above noted case.

Cuttack.
Dt. 07.12.2024


Addl. Govt. Advocate
~~Addl. Standing counsel.~~

SCANNED

**COMPUTERISED FILING COUNTER
ORISSA HIGH COURT,CUTTACK
ACKNOWLEDGEMENT SLIP**

Seat No : 6

Branch No : WRIT APPEAL

Receipt No : 149015/2024

Date Of Receiving : 06/12/2024

Time : 01:40:25 PM

Filing No : WA/2165/2023

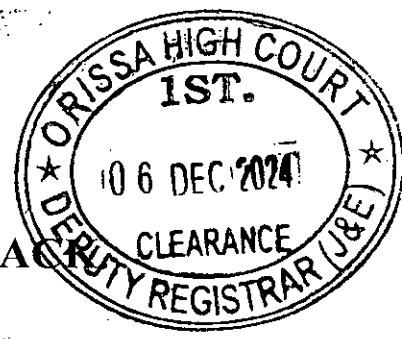
Case No : WA/2165/2023

Received From : Petitioner

Filed By: ADVOCATE FOR THE PETITIONER

Document(s) Filed :

1- Certified Copy (XEROX COPY) --- Court Fee -Rs.3 (36169/2024)



IN THE HIGH COURT OF ORISSA: CUTTACK

WA No. 2165 OF 2023.

STATE OF ODISHA & OTHERS APPELLANTS,


-VRS-

RAJIB LOCHAN MOHANTYRESPONDENT.

M E M O

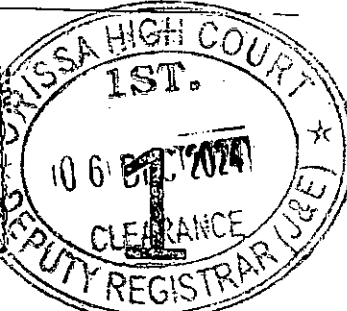
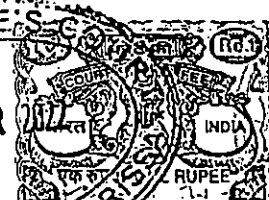
In pursuance of the Hon'ble High Cour order dated 03.12.2024 certified copy of impugned order dated 02.12.2022 passed in WP© No. 7541/20222 under annexure-1 is filed herewith in the above noted case.

Cuttack.
Dt. 06.12.2024


~~Addl. Govt. Advocate~~
Addl. Standing Counsel,

STATE OF ODISHA & OTHERS APPELLANTS,

80412
420



APPENDIX-I

CHAPTER-XV, Rule 3(1)

IN THE HIGH COURT OF ORISSA: CUTTACK

W.P. (C) No 7541 of 2022

Code No. 310200

In the matter of:

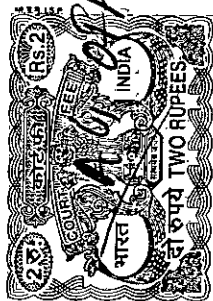
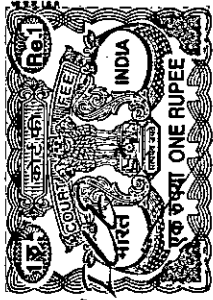
An application under Article 226 and 227 of the
Constitution of India, 1950

Presented in Court

AND

B.O.

matter of:



The petitioner, a Gana Sikshyaka, precious period of last more than 14 years of his early life devoted in the teaching services of the State Government, now rendered 'age barred' for securing a job elsewhere. Unfairly used him, generate hope and a feeling of security in him, attune his family to live within his earnings, though having eligibility for the teaching in primary school, but the Govt delayed his regularisation in service, compelling to face OTET at his middle age of retirement would run counter to the constitutional philosophy in Art. 41 of the Constitution.

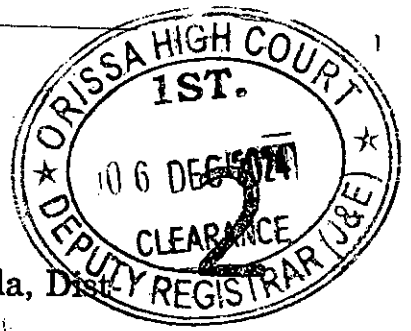
AND

In the matter of:

Rajib Lochan Mohanty aged about 40 years S/o Prahallad
Mohanty, AT-Kosakata, PO-Sampada, PS-Nuagaon, Dist
Nayagarh, presentluy Gana Sikshyak at Krushnaprasad

Signature valid

Digitally Signed
Signed by: BIRAJA MALLIK
Designation: ASSISTANT REGISTRAR
Reason: VERIFIED
Location: HIGH COURT OF ORISSA, CUTTACK
Date: 05-Dec-2024 15:00:04
EOD: NO-ON



Govt U.P. School, AT-Krushnaprasad, PO-Sikrida, Dist.

Nayagarh; Petitioner

VERSUS

1. State of Odisha represented by the Principal Secretary to Government of Odisha, Department of School and Mass Education, Odisha, Lok Seva Bhavan, Bhubaneswar, Dist-Khurda, Pin-751001;
2. Director, Elementary Education, Odisha, Heads of Departmental Buildings, Odisha, Bhubaneswar, Khurda.

... .. OPPOSITE PARTIES

TO

THE HON'BLE CHIEF JUSTICE OF ORISSA HIGH COURT,
CUTTACK AND HIS LORDSHIP'S COMPANION JUSTICES OF
THE SAID HON'BLE COURT.

THE HUMBLE PETITION OF THE
ABOVE NAMED PETITIONERS

DETAILS OF THE APPLICATION

1. Particulars of the cause/order against which the Petition is made:

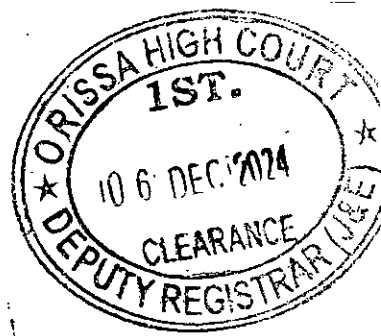
(1) Date of Order/ Notification/Circular/ Policy/ Decision etc:

(2) Passed in (case or File Number):

(3) Passed by (Name and designation of the Court, Authority, Tribunal etc):

Signature valid

Digitally Signed
Signed by: ANIL K. PRASAD RAO
Designation: JUDGE, COURT OF ORISSA, CUTTACK
Reason: VERIFIED
Location: COURT OF ORISSA, CUTTACK
Date: 05-Dec-2024 16:56:04



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 7541 of 2022

Rajib Lochan Mohanty

.....

Vs.

State of Odisha and others

.....

Petitioner

Mr. Umakanta Sahoo, Adv.

Opposite Parties

Mr. S. Jena, S&ME

CORAM:

DR. JUSTICE B.R. SARANGI

ORDER

02.12.2022

Order No.

04.

This matter is taken up through hybrid mode.

2. Heard.

3. It is agreed by learned Counsel for the Parties that the issue involved in this Writ Petition is analogous to W.P.(C) No. 15345 of 2022 (*Balabhadra Majhi V. State of Odisha and Ors*), which has been disposed of by this Court, vide Judgment dated 11.11.2022.

4. Therefore, in view of the detailed reasons stated in the Judgment dated 11.11.2022 passed by this Court in W.P.(C) No. 15345 of 2022 (*Balabhadra Majhi V. State of Odisha and Ors*), this Writ Petition stands disposed of in terms of the said Judgment.

(DR. B.R. SARANGI)
JUDGE

Signature valid



Digitally Signed
Signed by: BIRAJA MALLIK
Designation: ASSISTANT SECTION OFFICER
Reason: VERIFIED
Location: HIGH COURT OF ORISSA, CUTTACK
Date: 05-Dec-2024 16:56:04

HIGH COURT OF ORISSA



Copy Application No. : 101215/2024

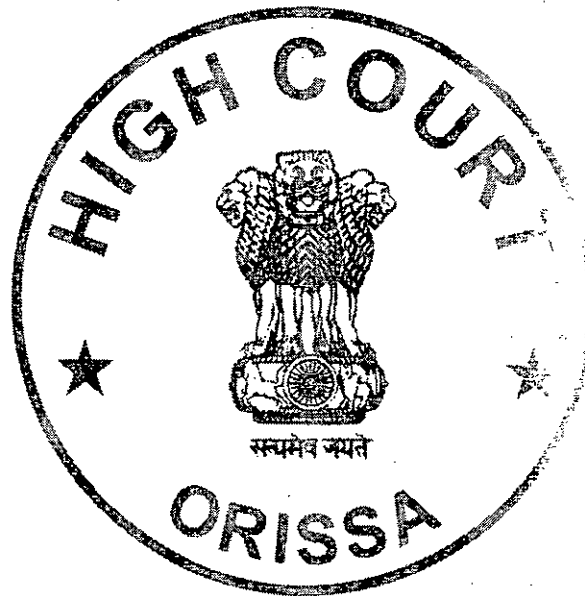
Date of Notification : NA

Date of Supply : NA

Date of Application : 05/12/2024

Date of Ready : 05/12/2024

Date of Delivery : 05/12/2024



Signature valid

Digitally Signed
Signed by: BIRAJA MALLIK
Designation: ASSISTANT SECTION OFFICER
Reason: VERIFIED
Location: HIGH COURT OF ORISSA, CUTTACK
Date: 05-Dec-2024 16:56:04

Signature valid

Digitally Signed
Signed by: PRAVAT KUMAR MOHANTY
Designation: SUPERINTENDENT (M)
Reason: EXAMINED
Location: HIGH COURT OF ORISSA, CUTTACK
Date: 05-Dec-2024 17:07:33

Signature valid

Digitally Signed
Signed by: LAXMIDHAR MOHAPATRA
Designation: ASST. REGISTRAR (ESTT)
Reason: CERT. TO BE A TRUE COPY AUTH.
75.BSA,2023
Location: HIGH COURT OF ORISSA, CUTTACK
Date: 05-Dec-2024 17:17:12