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24.12.2020

This matter is taken up through Video Conferencing.

Heard learned counsel for parties.

This writ petition involves the following prayer:

“Under the above circumstances, it is humbly prayed that the writ petition may be allowed ;

And

(a) a writ of mandamus or an appropriate writ may be issued commanding the opposite parties to allow the petitioners to be disbursed the differential arrear salary as well as the current monthly salary in trained graduate scale of pay from the date of attaining age of 48 years on the basis of the S.M.E. Dept. Resolution dated 18.2.2008 Letter No.1772 dated 11.1.2011 of the Director of Secondary Education, Odisha and under Rule -16(2) of the Orissa Education (Recruitment and condition of service of Teachers and Members of the Staffs of Aided Educational Institution) Rules, 1974’

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

Learned counsel for the petitioner contended that similar question has already been adjudicated by the learned Single Judge in **Radharani Samal vrs. State of Orissa**, 2017(I) ILR-CUT-546, which has been affirmed by the Division Bench of this Court by dismissing Writ Appeal No.176 of 2017 preferred by the State vide order dated 30.04.2019. Therefore, the case of the petitioner is squarely covered by the judgment passed by this Court in **Radharani Samal** (supra).

Learned Standing Counsel for School and Mass Education Department admits the contentions raised by the learned counsel for the petitioner. He contended that

direction may be issued to consider the case of the petitioner in the light of judgment passed by this Court in ***Radharani Samal*** (supra), which has been affirmed by the Division Bench of this Court vide order dated 30.04.2019 by dismissing Writ Appeal No.176 of 2017 preferred by the State.

Considering the contentions raised by learned counsel for the parties and after going through the records, this Court disposes of the writ petition directing the opposite parties to consider the case of the petitioner in the light of the ratio decided by this Court in ***Radharani Samal*** (supra) as expeditiously as possible preferably within a period of two months from the date of communication of copy of this order by the petitioner but however taking care of the direction of this Court dated 03.11.2020, passed in W.P.(C) No.22706 of 2020. In the event payment involving petitioner is not released within two months, it shall carry interest @7% per annum for the period of delay and the interest component shall be recovered from the person responsible for such delay.

The petitioner may utilise the soft copy of this order available in the High Court's website or print out thereof at par with certified copy in the manner prescribed, vide Court's Notification No.4587 dated 25.3.2020.

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**Biswanath Rath, J.**