

02. 29.01.2021

The matter is taken up through video conferencing.

Heard Mr. B.K. Barik, learned counsel for the petitioners and Mr. B. Mohanty, learned Standing Counsel for School and Mass Education Department.

The petitioners have filed this writ petition seeking direction to opposite parties to extend all the benefits to the petitioners taking into account the judgment of this Hon'ble Court in the case of ***Ritanjali Giri @ Paul v. State of Odisha (School & M.E. Deptt.) & others***, 2016 (I) ILR-1162 and to extend the benefits of the Odisha Education (Leave of Teachers and other Members of the Staff of Aided Educational Institutions) Rules, 1977 and further direction be issued to the Opp.Parties to extend General Provident Fund under the Orissa Aided Educational Institution General Provident Fund Rules, 1983 and accordingly extend all the benefits as applicable to the employees of aided educational institutions within the meaning of Section-3(b) of Orissa Education Act and Orissa Education (Recruitment and Conditions of Service of Teachers and Members of the Staff of Aided Educational Institutions) Rules, 1974 w.e.f. 20.01.2009 within the reasonable time to be stipulated by this Court.

Mr. B.K. Barik, learned counsel for the petitioners has contended that since the petitioners are working in an educational institution receiving block grant, in view of the judgment passed in ***Ritanjali Giri @ Paul v. State of Odisha (School & M.E. Deptt.) & others***, 2016 (I) ILR-1162 wherein this Court has already held that the legal heirs of deceased employees of educational institutions receiving block grant are

entitled to get compassionate appointment, pursuant to which the Government of Odisha in the Department of School & Mass Education has issued a circular on 01.08.2019 granting benefit of compassionate appointment to the legal heirs of the deceased employees working in fully aided educational institutions and educational institutions receiving grant-in-aid (New)/block grant, therefore, other benefits as claimed in the writ application should be extended to the petitioners.

Mr. B. Mohanty, learned Standing Counsel for School and Mass Education Department contended that in view of law laid down in **Ritanjali Giri @ Paul** (supra) although benefit of compassionate appointment to the legal heirs of the deceased employees of educational institutions receiving block grant has already been extended by the State Government, pursuant to letter dated 01.08.2019, but so far as other claims as made in this writ application, the petitioners are not entitled to get the same, as because the benefit of Grant-in-Aid Order, 1994 was denied by this Court in **State of Odisha v. Sri Lokanath Behera**, 2018 (II) OLR 932, which has been confirmed by the apex Court in Civil Appeal No. 7295 of 2019 arising out of SLP(C) No. 8343 of 2019 disposed of on 16.09.2019.

Considering the contentions raised by learned counsel for the parties and after going through the record, this Court is of the considered view that since the benefit of compassionate appointment to the legal heirs of deceased employees of educational institutions receiving block grant has already been extended by the authority, vide circular dated 01.08.2019, therefore, without expressing any opinion on the merits of the case, the matter is remitted back to the authority concerned for consideration with regard to extension of other benefits as

claimed in the writ application taking into account the ratio decided in ***Ritanjali Giri @ Paul*** (supra) within a period of four months from the date of communication of this order. Needless to mention, if it is found that the petitioners are entitled to get all the benefits, as claimed in the writ application in consonance with the law laid down in ***Ritanjali Giri @ Paul*** (supra), the same shall be granted within the time stipulated.

The writ petition is thus disposed of.

As the restrictions due to the COVID-19 situation are continuing, learned counsel for the parties may utilize the soft copy of this order available in the High Court's website or print out thereof at par with certified copies in the manner prescribed, vide Court's Notice No.4587, dated 25<sup>th</sup> March, 2020.

***Ajaya***

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**Dr. B.R. Sarangi, J.**