



IN THE HIGH COURT OF ORISSA AT CUTTACK

F.A.O. No.142 of 2017

&

FA.O. No.154 of 2017

Narendra Kumar Agasti

(in F.A.O. No.142 of 2017)

Bishnupriya Das

(in F.A.O. No.154 of 2017) ...

Appellant

Mr. D. Mishra, Advocate

(in F.A.O. No.142 of 2017)

Mr. D.K. Mohapatra, Advocate

(in F.A.O. No.154 of 2017)

-versus-

State of Odisha & Others

(in both the cases)

...

Respondents

Mr. M.R. Mohanty, AGA

(in both the cases)

CORAM:

JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

25.07.2025

Order No.

Misc. Case No.249 of 2017

&

Misc. Case No.564 of 2017

- 13.**
- 1.** This matter is taken up through Hybrid Mode.
 - 2.** Both the I.A. have been filed for condonation of delay.



3. Heard.
4. Considering the grounds taken in the Misc. Cases, the delay in filing the appeal is condoned subject to deposit cost of Rs.1,000/- (Rupees One Thousand) each by the learned counsel for the appellants in both the appeals before the Orissa High Court Bar Association Welfare Fund by 1st of August, 2025.
5. The Misc. Cases are accordingly disposed of.

(Biraja Prasanna Satapathy)
Judge

FA.O. Nos.142 & 154 of 2017

1. Heard.
2. Since both the appeals have been filed against a common judgment passed by the State Education Tribunal dated 22.11.2016 in G.I.A. Case No.84 of 2011 and G.I.A. Case No.513 of 2011, both the appeals are heard analogously and disposed of by this common order.
3. Both the appeals have been filed by the present appellants challenging the impugned common judgment dated 22.11.2016 and claiming



approval of the service as against the post of Classical Teacher in Kalandi Charan High School at Shyamdundarpur in the district of Balasore.

3.1. It is the case of the appellant in FAO No.142 of 2017 that he was duly appointed as a Classical Teacher vide the order of appointment issued by the Managing Committee on 24.12.1990, basing on the Managing Committee Resolution No.41 dated 21.12.1990. Similarly it is the claim of the appellant in FAO No.154 of 2017 that she was appointed as a Classical Teacher vide order issued on 31.08.1993 in terms of the Resolution No.65 dated 31.08.1993.

3.2. It is found from the impugned judgment that allegations and counter allegations have been made by both the appellants against each other with regard to their appointment and continuance as against the post of Classical Teacher in the school in question. As also found from the impugned judgment, various reports have been prepared with regard to such appointment and continuance of both the appellants as against the post in question.



3.3. While some of the reports have gone in favour of the appellant in FAO No.142 of 2017, in some reports the same has gone in favour of the appellant in FAO No.154 of 2017. It is also found that respondent no.3, the then Circle Inspector of Balasore Circle has also prepared a report by making a personal visit of the school. On the face of such materials before the Tribunal, the Tribunal rejected the claim of both the appellants vide the impugned common judgment dated 22.11.2016.

3.4. Considering the fact the appellant in FAO No.142 of 2017 was appointed by the Managing Committee on 26.12.1990 and the appellant in FAO No.154 of 2017 on 31.08.1993 as against the single post of Classical Teacher, it is the view of this Court that the Tribunal should have come to a conclusion as to who was duly appointed by the Managing Committee of the school in accordance with law and the guidelines prevailing at the relevant point of time, basing on the materials produced by both the



appellants and the stand taken by the Managing Committee as well as the State respondents.

3.5 However, it is found that the Tribunal without giving a definite conclusion with regard to entitlement of the appellants and who was duly appointed and eligible to continue as against the post in question, simply rejected both the claims vide impugned judgment dated 22.11.2016, which as per the considered view of this Court is not right approach adopted by the Tribunal. It is the view of this Court that the Tribunal should have come to a definite conclusion with regard to the claims of the appellants and decide the issue in favour of one of the appellants with the finding who was duly appointed.

3.6 In view of the aforesaid analysis, this Court is inclined to quash the judgment dated 22.11.2016 so passed by the Tribunal in G.I.A. Case No.84 of 2011 & G.I.A. Case No.513 of 2011. While quashing the impugned judgment, this Court is inclined to remit both the matters to the Tribunal to take a decision



afresh by giving due opportunity of hearing to both the appellants and the State respondents as well as the Managing Committee of the school.

3.7 The Tribunal is also directed to obtain instruction through the State respondents more particularly the present District Education Officer as to who was actually appointed and who continued in the school and discharge the duty of Classical Teacher on the face of the claim made by both the appellants. The Tribunal is directed to dispose of both the G.I.A. cases as expeditiously as possible, preferably by the end of this year analogously and both the appellants are directed to cooperate for disposal.

Both the appeals are accordingly stand disposed of.

(Biraja Prasanna Satapathy)
Judge

Signature Not Verified

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Signed by: AMIT KUMAR MOHANTY
Reason: Authentication
Location: HIGH COURT OF ORISSA, CUTTACK
Date: 28-Jul-2025 11:57:05



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