

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).6648/2010

(From the judgement and order dated 04/12/2008 in WPC No.15481/2005 of The HIGH COURT OF ORISSA AT CUTTACK)

STATE OF ORISSA & ANR. Petitioner(s)

VERSUS

AJAY KUMAR DAS & ORS. Respondent(s)
(With appln(s) for c/delay in filing SLP)

Date: 23/04/2012 These Petitions were called on for hearing today.

CORAM :
HON'BLE MR. JUSTICE T.S. THAKUR
HON'BLE MRS. JUSTICE GYAN SUDHA MISRA

For Petitioner(s) Mr. Radha Shyam Jena,Adv.

For Respondent(s) Mr. Sibor Sankar Mishra,Adv.
Mr. Adbhut Pathak, Adv.

UPON hearing counsel the Court made the following
O R D E R

Delay condoned.
Leave granted.
The appeal is disposed of in terms of the signed order.

(Shashi Sareen) (Veena Khera)
Court Master Court Master

(Signed order is placed on the file)
IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL No. 3793 OF 2012
(Arising out of SLP(Civil) No. 6648 of 2010)

STATE OF ORISSA & ANR. ... Appellant(s)

Versus

AJAY KUMAR DAS & ORS. ... Respondent(s)

O R D E R

Leave granted.

Learned counsel for the parties point out that the

issues arising for consideration in this petition stand concluded by a decision of this Court in State of Orissa and Anr. Vs. Mamta Mohanty 2011 (3) SCC 436 wherein this Court has made the following observations and issued the following directions:

"The full particulars of the respondent teachers are not before us as in some cases there had been claim and counterclaim of possessing the requisite marks i.e. 54% in Master's course, as in Civil Appeal No. 1253 of 2011, State of Orissa Vs. Lokanath Mishra. Thus, we pass the following directions:

(i) In case of dispute regarding possessing of 54% marks, the authorities, Secretary of High Court education/Director of Higher Education may examine the factual position and decide the case of individual teachers in accordance with law laid down in this case;

(ii) If a person did not possess the requisite qualification on the date of appointment and was not entitled for grant-in-aid scheme unless he completes the deficiency, his case would be considered from the date of

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completing the deficiency for grant of UGC pay scale. However, in no case, the UGC pay scale can be granted prior to the date of according the benefit of the grant-in-aid scheme i.e. by acquiring the degree of MPhil/PhD;

(iii) The aforesaid exercise shall be completed within a period of four months from today; and

(iv) The arrears of pay, if any, shall be paid to the teacher concerned within a period of four months thereafter."

Counsel submit that the present appeal could be disposed of on the above terms. We order accordingly. The order passed by the High Court shall stand modified to the above extent.

.....J.
(T.S.THAKUR)

.....J.
(GYAN SUDHA MISRA)

New Delhi,
April 23, 2012