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SLP(C)No. 1474 OF 2001

ITEM No.39

Court No. 3

SECTION XIA  
A/N MATTER

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.1474/2001

(From the judgement and order dated 30/03/2000 in OJC 1848/2000  
of The HIGH COURT OF ORISSA AT CUTTACK)

STATE OF ORISSA & ANR.

Petitioner (s)

VERSUS

PRATAP KUMAR NAYAK & ANR.

Respondent (s)

(With prayer for interim relief & O.R. )  
( With Appln(s). for impleading party )  
With

SLP(C)No.13846/2001,SLP(C)No.5514/2001

Date : 26/11/2001 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.B. PATTANAIAK  
HON'BLE MR. JUSTICE N. SANTOSH HEGDE

For Petitioner (s)

Mrs. Kirti Renu Mishra,Adv.  
Mr. R.S. Jena,Adv.

For Respondent (s)

Mr.P.N. Mishra,Sr.Adv.  
M/s.Santosh Kumar,C.K.Nayak,Ms.Bina Madhavan &  
Mr. Subramonium Prasad.,Advs

Mr.P.N.Mishra,Sr.Adv.  
M/s.C.K.Nayak,Ms.Bina Madhavan,S.U.K.Sagar and  
Mr. Prasanth. P,Advs.

Mr. Janaranjan Das,Adv.

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

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I.As. are dismissed as withdrawn.

SLP(C) Nos.1474 & 5514/2001: The State is in appeal@@

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against the impugned order of the High Court. The  
apprehension of the State Government is that the impugned  
order per se enables those teachers whose services stood  
validated under the Validation Act are entitled to the  
grant-in-aid, notwithstanding the provisions of the

grant-in-aid order of 1994 and section 7(c) of the Orissa Education Act, which was brought into the Act by way of an amendment. We see no justification for this grievance on the part of the State inasmuch the High Court has merely directed the State Government to consider the entitlement of these validated teachers in terms of the provisions of the grant-in-aid order and section 7(c) of the Amendment Act. We therefore see no justification to interfere with the impugned direction. The SLPs. are dismissed.

SLP(C) No.13846/2001: This petition by the State is@@  
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against the impugned direction of the learned Single Judge of the High Court. On going through the said order, we are satisfied that the High Court committed error in issuing the direction given. As we have already stated in SLP(C) Nos.1474 & 5514/2001, an employee whose services stood validated by the Validation Order ipso-facto will not be entitled to grant-in-aid unless and until his case is duly considered under the provisions of the grant-in-aid order read with section 7(c) of the Amendment Act. It would therefore be necessary for the State Government to examine each and every case in accordance with prescribed procedure for such grant-in-aid. The SLP is disposed of accordingly.

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(Y.P.Dhamija)

(Radha Rani Bhatia)@@

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Court Master

Court Master@@

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