



No. 14540(2)  
W.P.(C) No. 20728/2012

**FROM**

**THE SUPERINTENDENT OF THE HIGH COURT OF ORISSA, CUTTACK**

To

1. The Department of Higher Education, Govt. of Odisha (represented by Secretary, Department of Higher Education), Secretariat, Bhubaneswar-751001, Dist: Khurda.
2. The Director, Higher Education, Govt. of Odisha, Heads of the Departments Building, Bhubaneswar-751001, Dist: Khurda.

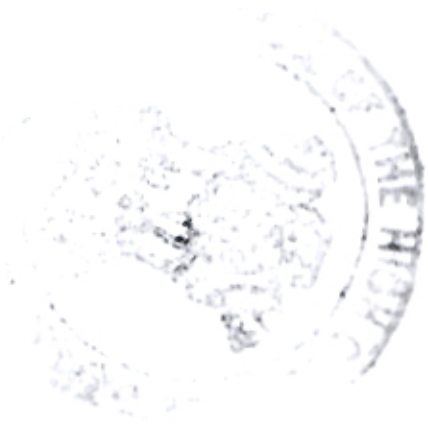
Dated, Cuttack the 15-4- 2019

**Sir,**

I am directed to forward herewith a copy of Court's Judgment dated 27.03.19 passed in W.P.(C) No. 20728/2012 (Dr. Jayashree Sarangi -Vrs.- Dept. of Higher Education, Govt. of Orissa & Ors. ) for your information and necessary action.

Yours faithfully,

SUPERINTENDENT



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**ORISSA HIGH COURT, CUTTACK.**

**W.P.(C) No.20728 of 2012**

*An application under Articles 226 & 227 of  
the Constitution of India.*

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**Dr. Jayashree Sarangi** ... **Petitioner**

*Versus*

**Department of Higher Education,** ... **Opposite Parties**  
**Govt. of Odisha & another**

For Petitioner : Mr. D.K. Satpathy,  
Advocate

For Opp. Party nos.1 & 2: Mr. S.N. Mishra,  
Additional Government Advocate

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PRESENT :

**THE HONOURABLE MR. JUSTICE BISWANATH RATH**

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Date of hearing : 19.03.2019      Date of Judgment : 27.03.2019  
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**Biswanath Rath, J.**

This writ petition has been filed by the petitioner seeking the following relief:

"In the facts and circumstances of the case it is humbly prayed that the Hon'ble Court be graciously pleased to admit the petition, to quash the order no.23510 dated 22.09.2012 of O.P.No.1 and after hearing learned counsel for the parties issue a writ in the nature of mandamus or any other appropriate writ/order or direction commanding the Opp.Parties to grant to the petitioner forthwith (i) UGC scale of pay with effect from 1.6.86, i.e. her date of approval, (ii) pay all her differential arrear salary due to her till date with

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interest @6% per annum since the date of her approval and (iii) determine accordingly her rank and status by according her promotion as and whenever necessary."

Looking to the pleadings and the prayer indicated hereinabove, it appears, the petitioner has sought for a direction from this Court for quashing of the order at Annexure-5 on the premises of being contrary to the resolution of the Government dated 6<sup>th</sup> October, 1989 at Annexure-6.

2. Short background involved in the case is that the petitioner was appointed as Lecturer in Odia at Shyamsundar Sanskrit College, Bhograi in the district of Balasore since 26.11.1984. Post of the petitioner was approved on 1.06.1986 vide order No.8750 dated 14.03.1990. The petitioner claimed that on approval of her post, she became eligible for direct payment of salary as per the grant-in-aid principle. In a subsequent development the name of the petitioner has been approved as the Principal-cum-Secretary of Shyamsundar Sanskrit College, Bhograi. The petitioner claimed that the institution where she works is fully aided and also covered under the provision of direct payment under the grant-in-aid principle w.e.f. 14.4.1975. Referring to Annexure-3 a communication dated 4<sup>th</sup> October, 1983 learned counsel for the petitioner claimed that the institution of the petitioner is also affiliated to Shree Jagannath Sanskrit Vishwavidyalaya, Puri with commencement of academic session 1981-82. Petitioner further claimed that Shyamsundar Sanskrit College, Bhograi has been permanently affiliated by Shree Jagannath Sanskrit Vishwavidyalaya, Puri under a communication of the University dated 6.1.2011 vide Annexure-4. The pleading further discloses that the petitioner's representation for grant of U.G.C scale from the particular date has been rejected

