

HIGH COURT OF ORISSA : CUTTACK.

ORIGINAL JURISDICTION CASE NO. 12385 OF 1997  
(Decided on April 10, 2001)

In the matter of an application under Articles 226 and 227  
of the Constitution of India.

Nakushana Panda

Petitioner

Versus

State of Orissa and others

Opp. Parties.

For Petitioner : M/s. B. Routray, B. Dash,  
S. S. Kanungo, and  
D. K. Mohapatra.

For Opp. parties : Addl. Govt. Advocate  
( for O.Ps. 1 & 2 )  
M/s. H. Tripathy, B. K. Singh,  
H. B. Das, B. Mishra,  
S. Mohapatra and  
C. Panigrahi

P R E S E N T :

THE HONOURABLE SHRI JUSTICE L. MOHAPATRA

L. Mohapatra, J. The petitioner in this writ petition has prayed for a direction to the opposite parties to approve his appointment as Lecturer in Economics against the first post and for payment of grant-in-aid with effect from the date the college became eligible to receive the same i.e. from 1.6.1994.

2. The case of the petitioner is that Womens' College, Japakuda was established in the year 1987 and in the year 1990 the college got Government concurrence. On 12.3.1989 the petitioner was appointed as Lecturer in Economics against the first post and he joined the post on 3.4.1989. On 8.9.1990 the State Government granted provisional concurrence for opening of subjects like,

Sociology, Education and Economics for appearing in the examination conducted by the Council of Higher Secondary Education during the session 1990-91 with permission to the batch of students admitted into the three subjects during the session 1989-90. On 30.8.1994 proposal was submitted before the Director of Higher Education in the prescribed format by the Governing Body of the college for approval of appointment of the staff as per the grant-in-aid order 1994. The name of the petitioner was also recommended against the first post of Lecturer in Economics for the purpose of approval. On 15.3.1997 notification was issued by the State Government declaring the college as an aided educational institution for +2 wing with effect from 1.6.1994. The Director of Higher Education approved the appointment of other staff of the college by order dated 8.4.1997 in Annexure-4 excluding the petitioner and therefore, this writ application has been filed by the petitioner for the relief as mentioned above.

3. A counter affidavit has been filed on behalf of opposite party no.2. It is submitted in the counter that concurrence for +2 and +3 degree courses in Arts in respect of the College where the petitioner is working was granted with the stipulation that management is not entitled to receive any financial assistance in the shape of recurring and nonrecurring grants from the Government. Pursuant to the grant-in-order 1994 which came into force with effect from 6.12.1994 incorporating the yardstick for the purpose of sanction of grant-in-aid to teaching and