

STATE OF ORISSA AND ORS. ETC.

v.

NIRANJAN NAYAK AND ANR. ETC.

APRIL 21, 1997

[K. RAMASWAMY AND D.P. WADHWA, JJ.]

*Service Law :*

*Qualification—Acquiring of—Cut off date fixed for entitlement to additional amount on acquiring qualification—Held, valid—Writ petitions pending—High Court to decide the matter on the basis of relevant rules.*

CIVIL APPELLATE JURISDICTION : Civil Appeal No. 3179 of 1997 Etc.

From the Judgment and Order dated 19.4.95 of the Orissa High Court in O.J.C. No. 1196 of 1994.

Jana Kalyan Das and S. Misra for (P.N. Misra) for the Appellants.

A. Mariarputham, Mohan Kr. Mohanty, Aruna Mathur and Jaya Salva for the Respondents.

The following Order of the Court was delivered :

Leave granted.

We have learned counsel on both sides.

These appeals by special leave arise from the judgment of the Orissa High Court, made on April 19, 1995 in O.J.C. No. 1196 of 1994 and batch.

The Government has prescribed April 1, 1981 as the cut off date for acquisition of the qualification and those who have acquired the qualifications prior to that date are entitled to the additional amounts as prescribed under the Rules. The High Court has allowed writ petitions without reference to the relevant Rules. It is settled law that the cut off date has to be valid and bears reasonable relationship to the object sought to be achieved.

It is stated that the teachers are relying upon Rule 9 of 1974 Rules. We are informed that several writ petitions are pending in the High Court on the basis of Rule 9. In that view of this matter, it may be desirable that all these matters be decided by the High Court.

Taking an over all view of all the facts, the appeals are allowed. The judgment of the High Court stands set aside. The High Court is at liberty to consider the matter afresh. Learned counsel for the respondents states that orders were implemented subject to the result of the appeals. Implementation of the order does not stand on the way of the High Court is have the matters examined. No costs.

Appeals allowed.