

State of Orissa and Others

Vs

Niranjan Nayak and Another

Civil Appeals No. 3179 of 1997

(K. Ramaswamy, D. P. Wadhwa JJ)

21.04.1997

ORDER

1. Leave granted.
2. We have heard the learned counsel on both sides.
3. These appeals by special leave arise from the judgment of the Orissa High Court, made on 19-4-1995 in OJC No. 1196 of 1994 and batch.
4. The Government has prescribed 1-4-1981 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 the 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.
5. It is stated that the teachers are relying upon Rule 9 of the 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.
6. Taking an overall 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. The learned counsel for the respondents states that orders were implemented subject to the result of the appeals. Implementation of the order does not stand in the way of the High Court to have the matters examined. No costs.