

NOTES OF THE REGISTRY

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20. ORDER DATED 14-2-2001.

Shri Nandy for the applicant and Shri B.Dash, learned ASC for the Respondents present. Case stands posted to this day for hearing on maintainability of this O.A. Shri Nandy, learned counsel for the applicant filed Xerox copy of the judgment dated 13.11.98 of the Hon'ble High Court of Orissa in OJC No.8445 of 1996.

In this application praying for regularisation and quashing annexure-1 dated 29.6.1996, three applicants who were on casual Mess Helpers in Jawahar Navodaya vidyalaya, Rengali earlier approached the Hon'ble High Court of Orissa in OJC No.8445/1996 for quashing the annexure-1 and for their regularisation. In judgment dated 13-11.1998, the Division Bench of the Hon'ble High Court while holding that the OJC is not maintainable as Jawahar Navodaya vidyalaya does not come under the expression State under Article 12 of the Constitution. However, in para-7 of the judgment held as follows:

"Apart from maintainability, we have found that the petitioners were not appointed against any regular sanctioned post. Their engagement appears to be precarious in nature. Their continuity as Casual Labourers for several years does not entitle them to permanent employment nor regularisation or any relief in the manner as prayed for".

Even in para-8 of the judgment, the Hon'ble High Court held that the OJC also fails on merit.

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Since the Hon'ble High Court already held that the petitioners were not appointed against any regular sanctioned post and their continuity as casual labourer for several years does not entitle them for permanent employment for regularisation in the manner as prayed, *it* is not within our jurisdiction or discretion to consider the very same prayer in this O.A. even though the notification in regard to our jurisdiction over Jawahar Navodaya vidyalaya came into force after the pronouncement of the judgment of the Hon'ble High Court.

In the result, we hold that the OA is not maintainable and is accordingly dismissed. N_o costs.

Somnath Som
(SOMNATH SOM)
VICE-CHAIRMAN

(G. NARASIMHAM)
MEMBER (JUDICIAL)

KNM/CM.

Free copies of
final order
dt. 14.2.2001 given
to both sides.
2 (two) copies

16/2/01