

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 19880 of 2012

1. *Sunil Kumar Bhoi*
2. *Sadhu Bhue*
3. *Balaram Bhue*
4. *Sanu Mirdha*
5. *Pitambar Biswal*
6. *Kartika Sahara*
7. *Dhaniram Khadia*
8. *Kalidas Panika*
9. *Lingaraj Bhoi*

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Petitioners
None

Vs.

1. *State of Orissa represented
through the Commissioner -cum-
Secretary, Department of School
and Mass Education, Bhubaneswar*

2. *The Director, Elementary
Education, Bhubaneswar*

3. *The District Inspector of School,
Bargarh.*

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Opposite parties
*Mr. S.N. Mohapatra,
Standing Counsel (S & ME)*

CORAM:

JUSTICE SAVITRI RATHO

ORDER
30.06.2022

Order No.

10.

This matter is taken up through hybrid mode.

2. None appears for the petitioner when the matter is called.

3. Though office note indicates that neither A.D. nor undelivered notice is back from opposite party nos. 1 and 3, Mr. S.N. Mohapatra, learned Standing Counsel for School & Mass Education Department is present on behalf of opposite party nos. 1, 2, and 3.

4. This application has been filed ten years back with the prayer to -“to allow the above named petitioners as level-IV

Headmaster/Headpandit with their pay protection in their respective primary schools under the control the Opp. Party No.3 in the interest of natural justice.”

5. On 19.10.2012, this Court had directed to the learned School & Mass Education Department to obtain instructions. Thereafter when the case was listed on 02.11.2012 and 05.12.2012, none had appeared on behalf of the petitioner. On 20.12.2012 notice has been issued to the opposite parties but in Misc. Case No.17141 of 2012, this Court has not inclined to pass any order and rejected the Misc. Case.

6. Today when the matter is called, none is present for the petitioner.

7. From the nature of the prayer and the fact that the petitioner is not keen to prosecute the case, it appears that due to efflux of time, the relief prayed for by the petitioners has been granted to them. Hence, no useful purpose will be served in keeping the case pending by adjourning the case. Hence the same is dismissed as infructuous.

8. However, if any cause of action still survives, the petitioner is at liberty to file a fresh writ application within a period of 90 days.

9. The writ petition is dismissed as infructuous with the aforesaid observation.

Issue urgent certified copy as per rules.

(SAVITRI RATHO)
JUDGE