

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No. 21211 of 2012

Uddhaba Mahananda and others

.....

Petitioners

Mr. B. Satpathy, Adv.

Vs.

State of Orissa and others

.....

Opposite parties

Mr. P.K. Panda,

Standing Counsel S&ME

CORAM:

DR. JUSTICE B.R. SARANGI

MISS JUSTICE SAVITRI RATHO

ORDER

21.03.2022

Order No.

6.

This matter is taken up through hybrid mode.

2. Heard Mr. B. Satpathy, learned counsel for the petitioners and Mr. P.K. Panda, learned Standing Counsel for School and Mass Education Department.

3. The petitioners have filed this writ petition assailing the order dated 26.09.2012 passed by the Orissa Administrative Tribunal, Cuttack Bench, Cuttack in O.A. No. 3266 (C) of 2012 (P.P. No.100 (c) of 2012), O.A. No. 3265 (C) of 2012 (P.P. No.101 (c) of 2012) and O.A. No. 3267 (C) of 2012 (P.P. No.102 (c) of 2012) under Annexure-1.

4. As it appears, the tribunal, vide impugned order dated 26.09.2012, has directed that if the petitioners are no way connected/remotely connected with the primary school teachers, who were appointed at the behest of K.C. Guru in different primary schools or the said K.C. Guru was in no way connected with nor had a hidden hand in appointment of the petitioners and the petitioners have been appointed facing independent /regular selection process conducted by the concerned District Inspector of Schools through a duly constituted selection committee, within the

advertised vacancies and, as such, they are not remotely connected with the selection and appointment made by K.C. Guru, clause-4 of the letter dated 05.09.2012 shall not be applicable to the cases of the petitioners and accordingly the petitioners shall be entitled for all the benefits as per Rules/Law, for which the tribunal expresses no opinion. Since the relief has already been granted by the tribunal, reason best known to the petitioners, why they have approached this Court by filing the present writ petition. In any case, it is brought to the notice of this Court that in the meantime, the order passed by the tribunal in O.A. No.2583 (C) of 1999 and batch was assailed before this Court in OJC No.6447 of 2000 and after due adjudication this Court, vide order dated 20.12.2018, passed order that due to subsequent developments, no further order is required to be passed in the writ petition.

5. Learned counsel for the petitioners states that in compliance of the order passed by the tribunal, the services of the petitioners have already been regularized in the meantime.

6. In the above view of the matter, this writ petition stands disposed of permitting the petitioners to pursue their remedy before the appropriate forum, so far as the claim with regard to promotion is concerned, if they are so advised.

7. With the aforesaid liberty, the writ petition stands disposed of.

(DR. B.R. SARANGI)
JUDGE

Ashok/Sukanta

(SAVITRI RATHO)
JUDGE