

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.A No. 85 of 2014

Jadumani Barik

.... ***Appellant***
Dr. J.K. Lenka, Advocate

-versus-

State of Odisha and Others

... ***Respondents***

Mr. D.R. Mohapatra, Senior Standing Counsel

**CORAM:
THE CHIEF JUSTICE
JUSTICE CHITTARANJAN DASH**

Order No.

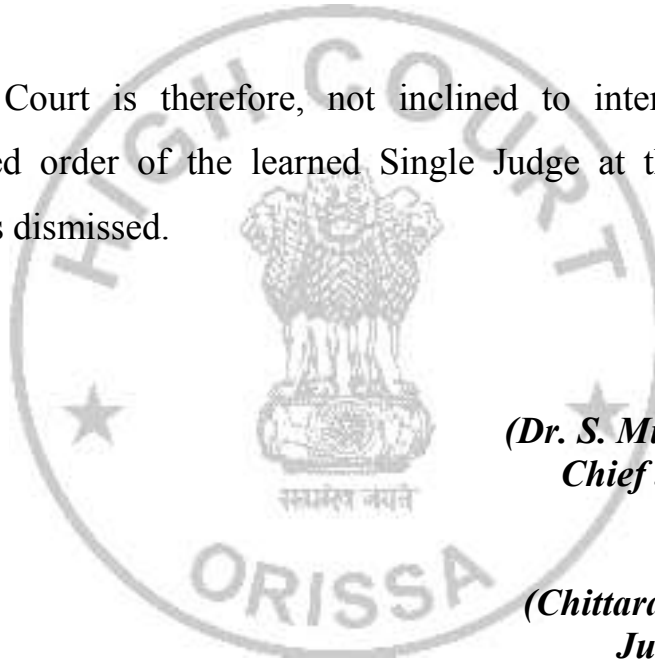
**ORDER
29.08.2022**

10. 1. The challenge before the learned Single Judge in the writ petition by the present Appellant was to the appointment of Respondent No.4 as In-charge Principal of the Dutial Model High School in Kendrapara Distirict. The claim of the present Appellant was that he was senior to Respondent No.4 and therefore, should have been appointed as in charge.
2. It is seen that the actual letter appointing Respondent tNo.4 as In-charge Headmaster was issued on 2nd March, 2009 making the appointment effective from 1st April, 2008. For some reason, the present Appellant did not file the writ petition till 2012 i.e. after a delay of more than three years. There is no explanation offered for the delay.
3. It appears that despite the delay, the writ petition was entertained by the learned Single Judge but dismissed on the ground that the Appellant did not possess the requisite

qualification, i.e. 7 years as TGT, to be appointed as Headmaster. This is contested by the learned counsel for the Appellant who says that the present Appellant had in fact joined earlier than Respondent No.4 as TGT.

4. Be that as it may, the Court finds that the Respondent No.4 has continued now as In-charge Headmaster for more than 14 years and the challenge to his appointment itself was barred by delay and laches. Even in the present appeal, no interim order was granted in his favour.

5. The Court is therefore, not inclined to interfere with the impugned order of the learned Single Judge at this stage. The appeal is dismissed.



(Dr. S. Muralidhar)
Chief Justice

(Chittaranjan Dash)
Judge

S.K. Jena/Secy.