

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**W.P.(C) No. 10654 of 2013**

***Dinabandhu Roul***

.....

***Petitioners***

*Mr. D.C. Mohanty, Advocate*

Vs.

***State of Orissa & Ors.***

.....

***Opposite party***

*State Counsel*

**CORAM:**

**DR. JUSTICE B.R. SARANGI**

**MISS JUSTICE SAVITRI RATHO**

**ORDER**

**11.04.2022**

**Order No.**

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This matter is taken up through hybrid mode.

2. None appears for the petitioner at the time of call.
3. The petitioner has filed this writ petition challenging the order dated 15.03.2013 passed in O.A. No.1656(C) of 2004, by which the Orissa Administrative Tribunal, Cuttack Bench, Cuttack has not granted relief sought by the petitioner both on merit as well as on the ground of limitation.
4. On the basis of factual matrix available on record, it appears that the petitioner was working as Hindi Teacher and his services were dispensed with due to abolition of post. Subsequently, some persons were adjusted, but the petitioner could not have been adjusted. As a consequence thereof, he approached the Orissa Administrative Tribunal, Cuttack Bench, Cuttack by filing O.A. No.1656(C) of 2004 and the tribunal after due adjudication vide order dated 15.03.2013 held that the petitioner was said to have been appointed as 3<sup>rd</sup> Teacher by the Secretary of Aluajharaj M.E. School, Aluajharan in the district of Dhenkanal vide 04.07.1983 by

the erstwhile Managing Committee of the school as against a non-sanctioned post/unapproved post. Since there was no substantive/sanctioned post available for engagement of the petitioner as 3<sup>rd</sup> Teacher in the said school and no permission was granted by the competent authority for such engagement prior to the date of his appointment, nor proper procedure has been followed by the concerned authority for selection and appointment of the petitioner and thereby denied the relief sought by the petitioner.

5. In view of such position, this Court is of the considered view that since the petitioner was appointed by the erstwhile Managing Committee of the school as against a non-sanctioned post/unapproved post and there was no substantive/sanctioned post available for engagement of the petitioner as 3<sup>rd</sup> Teacher in the said school and no permission was granted by the competent authority for such engagement prior to the date of his appointment, nor proper procedure has been followed by the concerned authority, the tribunal is well justified in passing the order.

6. Therefore, this Court is not inclined to interfere with the order dated 15.03.2013 passed by the tribunal in O.A. No.1656(C) of 2004. Accordingly, the writ petition merits no consideration and the same is dismissed.

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**(DR. B.R. SARANGI)**  
**JUDGE**

.....  
**(SAVITRI RATHO)**  
**JUDGE**