

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.A. No. 18 of 2015

Biswajit Mohapatra

....

Appellant

Mr. Budhadev Routray, Senior Advocate
Mr. G. Sinha, Advocate

-versus-

Priti Ranjan Moharana and Others

....

Respondents

Mr. M.K. Khuntia, Addl. Govt. Advocate
Mr. S.K. Nayak-1, Advocate

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

**ORDER
20.09.2022**

Order No.

04. 1. The present appeal is directed against the judgment dated 18th December, 2014 passed by the learned Single Judge in OJC No.7293 of 1994 holding the promotion of the present Appellant as lecturer in the Water and Land Management Institute (WALMI), Odisha to be illegal and accordingly quashing it.
2. While issuing notice in the present appeal on 27th March, 2015 this Court directed status quo to be maintained.
3. During the pendency of the present appeal, the Appellant has already superannuated.
4. The other important fact is that Respondent No.1, who was the writ Petitioner and had challenged the promotion of the present Appellant has since resigned in 2013 itself. Consequently,

Respondent No.1 is no longer interested in pursuing the present matter, as is evident from the fact that despite service of notice he him, he has not even appeared. On its part WALMI has supported the case of the Appellant even before the learned Single Judge.

5. With the above development, the actual challenge to the promotion of the Appellant by Respondent No.1 has become academic and, therefore, the impugned order of the learned Single Judge is hereby set aside and the writ appeal is allowed, but in the circumstances, with no order as to costs.

6. All retiral benefits due to the Appellant be re-worked on the basis of the present judgment and be released to him at the earliest and in any event, not later than eight weeks from today.

7. The appeal is disposed of in the above terms. An urgent certified copy of this order be issued as per rules.

(Dr. S. Muralidhar)
Chief Justice

(Chittaranjan Dash)
Judge

S.K. Jena/Secy.