

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

**W.A. Nos. 243 & 244 of 2015**

***Laxmi Dalei***

....

***Appellant***

Mr. Manmaya Kumar Dash, Advocate  
-versus-

***State of Odisha and others***

....

***Respondents***

Mr. Ishwar Mohanty  
Additional Standing Counsel for State

**CORAM:  
THE CHIEF JUSTICE  
JUSTICE M.S. RAMAN**

**ORDER  
08.12.2022**

**Order No.**

06. 1. W.A. No.243 of 2015 is directed against an order dated 22<sup>nd</sup> April, 2015 passed by the learned Single Judge in W.P.(C) No.25272 of 2012. By the said order, the writ petition filed by the present Appellant against an order of the Additional District Magistrate (ADM), Nayagarh allowing the appeal filed by Respondent No.5 against the appointment of the present Appellant as Anganwadi Worker (AWW) for the Telapada Mini Anganwadi Centre (AWC) near Godipali GP under the Odagaon ICDS Project in Nayagarh District was dismissed.
2. The learned Single Judge in the impugned order dismissed the writ petition only on the ground that another writ petition being W.P.(C) No.9667 of 2013 filed by Respondent No.5 for

implementation of the order of the ADM had been allowed by the learned Single Judge on the very same day, i.e. on 22<sup>nd</sup> April, 2015.

3. It must be noted here that against the said order dated 22<sup>nd</sup> April, 2015 in W.P.(C) No.9667 of 2013, the present Appellant has filed the companion writ appeal being W.A. No.244 of 2015 in which notice has not yet been issued. Notice was however issued in W.A. No.243 of 2015 and served upon Respondent No.5 but, none appears on her behalf today.

4. The short ground on which both the impugned orders are assailed is that the case of the aggrieved party i.e. the present Appellant has not been decided on merits. It is pointed out that since her appointment had been set aside by the ADM and she had challenged that order, without examining her writ petition on merits, the learned Single Judge could not have simply dismissed it by referring to the order in the companion W.P.(C) No.9667 of 2013 filed by Respondent No.5 seeking implementation of the very order which was challenged by the present Appellant.

5. Therefore, in the considered view of the Court, it was essential for the learned Single Judge to have first decided the writ petition filed by the present Appellant questioning the order of the ADM before passing an order regarding its implementation. The reverse appears to have happened, thus presenting the present Appellant with a *fait accompli*. As a result, the challenge by the present Appellant to the order of the ADM never got decided on merits.

6. For the aforementioned reasons, the Court sets aside both the orders dated 22<sup>nd</sup> April, 2015 passed by the learned Single Judge allowing W.P.(C) No.9667 of 2013 and dismissing W.P.(C) No.25272 of 2012 filed by the present Appellant and remands both these writ petitions to the file of the learned Single Judge in the Roster Bench to be decided afresh on merits after hearing the parties.

7. Both the writ petitions will now be listed before the learned Single Judge in the roster Bench on 16<sup>th</sup> January, 2023. The learned Single Judge is requested to proceed on the existing pleadings but after notice to the Writ Petitioner in W.P.(C) No.9667 of 2013. This is because before this Court, today none has appeared on behalf of the said Writ Petitioner.

8. It will be open to the parties to request the learned Single Judge for expeditious disposal of both the writ petitions.

9. The writ appeals are accordingly disposed of.

**(Dr. S. Muralidhar)**  
**Chief Justice**

**(M.S. Raman)**  
**Judge**

*M. Panda*