

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.12737 of 2022

Sanjukta Seth

....

Petitioner

-versus-

State of Odisha & Ors.

....

Opposite Parties

**CORAM:
JUSTICE BIRAJA PRASANNA SATAPATHY**

**ORDER
29.09.2022**

Order No

- 02.** 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical) Mode.
2. On the oral prayer made by Mr. G.R. Sethi, learned counsel for the Petitioner, he is permitted to make some typographical error in prayer No.(ii) in Court today.
3. Heard Mr. G.R. Sethi, learned counsel for the Petitioner and Mr. R.N. Mishra, learned AGA appearing for the Opp. Parties.
3. The present writ Petition has been filed challenging the notification dtd.14.03.2022 issued by the Govt. in the Finance Dept. under Annexure-5.
4. It is submitted that without considering the relevancy and effect of the orders passed by the learned Tribunal on 16.11.2018 in O.A. No. 701 of 2018 and order dtd.20.01.2014 passed in O.A. No. 1311 of 2013, the claim of the Petitioner for her promotion as against UR vacancy was not considered in its proper prospective while issuing the impugned notice on 14.03.2022. It is accordingly submitted that the matter be remitted to the O.P. No. 1 to take a fresh decision by

following the order passed by the learned Tribunal in the above noted two cases.

5. Mr. Mishra, learned Addl. Govt. Advocate has no serious objection with regard to the submission made by the learned counsel for the Petitioner for remitting the matter and taking a fresh decision on the Petitioner's claim in the light of the orders passed by the learned Tribunal.

6. Considering the submission made by learned counsel for the Parties, this Court while disposing the writ Petition directs the O.P. No. 1 to take fresh decision on the claim of the Petitioner for her promotion as against UR vacancy in the light of the order passed by the learned Tribunal in the above noted cases as well as an order passed by this Court on 23.09.2022 in W.P.(C)(OA) No.553 of 2018.

7. Petitioner is directed to provide copies of the order passed by the learned Tribunal as well as by this Court in W.P.(C)(OA) No.553 of 2018 along with the certified copy of this order before the O.P. No. 1 within a period of seven (7) days from the date of receipt of this order. On receipt of the same, O.P. No. 1 shall take a fresh decision on the claim of the Petitioner for his promotion as against UR vacancies within a further period of two (2) months from the date of receipt of the order. The order so passed be also communicated to the Petitioner within the extended time period.

8. The writ Petition is disposed of with the aforesaid observation and direction.

(Biraja Prasanna Satapathy)
Judge

Sneha