

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No. 13446 of 2015

State of Orissa and others

.....

Petitioners

Mr. A.K. Mishra, AGA

Vs.

Raj Kishore Nayak and others

.....

Opposite Parties

Mr. S.K. Das, Adv.

CORAM:

DR. JUSTICE B.R. SARANGI

MR. JUSTICE B.P. SATAPATHY

ORDER

05.12.2022

Order No.

17.

This matter is taken up through hybrid mode.

2. Heard Mr. A.K. Mishra, learned Addl. Government Advocate appearing for the State-petitioners.

3. None appears for the intervenor-opposite parties at the time of call.

4. The State and its functionaries have filed this writ petition challenging the order dated 19.08.2011 and consequential order dated 26.03.2013 passed in O.A. No. 1447 (C) of 2011, by which the State Administrative Tribunal, Cuttack Bench, Cuttack has quashed the resolution under Annexure-B to the original application and directed the State-petitioners to conduct the test afresh, as per Rule-11-A and 11-D of the O.M.S. Rules. The tribunal further holding that the intervention and stay vacation petitions are not relevant, disposed of the same. Subsequently, when clarification was sought by the Government, the same was also rejected vide order dated 26.03.2013.

5. Against the aforesaid orders, the State-functionaries have filed this writ petition and while entertaining this writ petition, this Court, vide order dated 02.12.2015, in Misc. Case No. 13035 of 2015 passed interim order protecting the interest of the petitioners. But, as it appears, during pendency of the writ petition, the benefit

has already been extended to the opposite parties, which is evident from the letter dated 02.04.2022 issued by the Collector, Dhenkanal, annexing the order dated 07.04.2021, to the learned Addl. Government Advocate appearing for the State-petitioners, relevant portion of the said letter is extracted hereunder:-

“Govt. in R & DM Deptt had been moved for necessary instruction in this regard vide District Officer letter No. 1025 dated 16.05.2016. As per instruction from Govt. in R & DM Deptt, Odisha, Bhubaneswar, vide their letter No. RDM-NGEA-CASEAT-0311-2013-87/R & DM dated. 02.01.2019, the fresh DPC held on 18.04.2011 was finalized on 08.08.2019, after conduct of Computer skill test and Viva-Voice test. The names of 10 candidates under UR category & 3 candidates under SC category were recommended for promotion. The name of Sri Rajkishore Nayak was at Sl. No.2 in the select list recommended by the DPC finalized on 08.08.2019.

Govt in R & DM Deptt. had been moved vide this office letter no. 1943 dated 01.10.2019 for necessary concurrence of Finance Deptt. for filling up 9 more vacant post of Jr. Clerks. Concurrence of Finance Department wa communicated to this office vide letter No. 37843/ R & DM dated 24.12.2020 of R & DM Department, Odisha, Bhubaneswar.

After getting concurrence of Finance Department, Sri Rajkishore Nayak, Junior Revenue Assistant, O/o the DSWO, Dhenkanal has been allowed to continue in the said post as per recommendations of the DPC finalized on 08.08.2019 vide District Office Order No.609/Esst Dt. 07.04.2021 (Copy enclosed). The Opp. Party No.1 is presently working as Junior Revenue Assistant in the O/o the DSWO, Dhenkanal.

6. In the above view of the matter, since the benefit has already been given to the opposite parties, nothing remains to be adjudicated in the present writ petition.

7. Accordingly, the writ petition stands disposed of in terms of the letter dated 02.04.2022 and order 07.04.2021, as have been mentioned above.

8. The letter dated 02.04.2022 and order 07.04.2021 be kept on record.

Issue urgent certified copy as per rules.

(DR. B.R. SARANGI)
JUDGE

(B.P. SATAPATHY)
JUDGE

Ashok

