

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC(OA) No. 1494 of 2015

Prashant Kumar Mishra **Petitioner**
None
-versus-
State of Odisha and others **Opp. Parties**

Mr. S.S.Patra, ASC for OPs.1 to 3
For OP No.4-None

CORAM:
JUSTICE M.S.SAHOO

ORDER(Oral)
12.7.2022

Order No .

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1. This matter is taken up through physical mode.
2. None appears for the petitioner when the matter is called.
3. None had appeared for the petitioner when the matter was last listed on 21.6.2022 and the matter was adjourned to today to grant another opportunity to the petitioner.
4. On 21.6.2022 after considering the matter in some detail as well as hearing learned counsel for the State, following order was passed :

2. The writ petition has been renumbered and registered before this Court on 31.08.2021 after being transferred, upon abolition of the learned Odisha Administrative Tribunal, Bhubaneswar.

3. On perusal of the available order-sheets of the learned Tribunal, it is indicated that the matter was never taken up/pursued after 19.05.2016.

4. The learned Additional Government Advocate referring to the order no.3 dated 26.08.2015 passed by the learned Tribunal submits that nothing survives for adjudication after the said order was passed which has not been challenged.

5. The operative portion of the order dated 26.08.2015 is quoted herein :

“The Government of Odisha Water Resources Department in its wisdom has already taken

a lenient view and has relaxed the upper age limit to 45 years and the said order has been passed under Article-309 of the Constitution of India. In every Govt. Service, the stipulation of minimum entry age and maximum entry age is a must. On the whims of the candidates, the age criteria cannot be relaxed. We are to go by the Orissa Engineering Service (Method of Recruitment and Conditions of Service) Rules, 2012 which came into force vide Notification no.34600 dated 29.12.2012 and the consequent amendment made thereafter by the Water Resources Department.

Hence, the M.Ps of the applicants to allow them to take part in written as well as viva voce test are of no merit and stand rejected. M.Ps. are accordingly disposed of.”

6. It is submitted that the recruitment process which was initiated in the year 2015 is long since over and, therefore, nothing would survive for adjudication at present.

7. Having heard the learned Additional Government Advocate, the matter is adjourned to 12.07.2022.

4. Learned Addl. Standing Counsel reiterates the submissions on behalf of the State as noted in the order dated 21.6.2022.

5. Having heard learned Standing Counsel, the writ petition is dismissed for non-prosecution.

(M.S.Sahoo)
Judge

dutta