

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC(OAC) No.1319 of 2016

Dr.Akshaya Kumar Sutar & others **Petitioners**

*Mr. Satyajit Khilar along with
Mr. Abhijit Mishra, Advocate
-versus-*

State of Odisha & others **Opp.parties**
*Mrs. S. Pattanaik, AGA for O.P.Nos.1 and 2
Mr. S.B. Jena, Advocate for O.P.No.3*

**CORAM:
JUSTICE M.S.SAHOO**

**ORDER
28.07.2022**

Order No.

1. 1. This matter is taken up through hybrid mode.
2. The writ petition has been registered before this Court on 28.12.2021, after the Original Application was transferred from the learned Odisha Administrative Tribunal, Cuttack Bench, Cuttack upon its abolition.
3. On perusal of the available order-sheets of the learned Tribunal, it is indicated that notices were issued by the learned Tribunal on 30.03.2016 after hearing the learned counsel for the petitioners along with the learned State Counsel as well as learned counsel for the OPSC, directing to file counter within four weeks and rejoinder was to be filed within two weeks thereafter. Thereafter, the matter was listed on six occasions. After 27.10.2017, the matter was never taken up/pursued, nor there is any further pleadings on behalf of any of the parties.
4. The Original Application was filed in the year 2016 by the group of the applicants challenging the fixation of the upper age limit of 32 years that was fixed by the Odisha Public Service Commission in the advertisement no.23 of 2015-16 for recruitment to the post of Homeopathy Medical Officer in Class-II (Group-B).

5. Learned Additional Government Advocate referring to the averments made in the writ petition submits that the petitioners were aged about 39/40 years in the year 2016, therefore, the prayer to grant age relaxation or challenge to the fixation of the upper age limit of 32 years becomes otiose after six years.

6. Learned counsel for the OPSC submits that challenge to fixation of upper age limit by the recruiting authority, i.e., OPSC would not sustain as the advertisement has been made pursuant to the relevant Service Rules.

7. In view of the submissions made at the Bar and for the lack of prosecution by the petitioners, the writ petition stands disposed of.

(M.S.Sahoo)
Judge