

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC(OAC) No.1430 of 2015

Malaya Ranjan Mishra & another ***Petitioners***
None

-versus-

State of Odisha and Others. ***Opposite Parties***
Mr. Dipti Ranjan Mohapatra, Standing Counsel for
School & Mass Education Department

CORAM:
JUSTICE M.S. RAMAN

ORDER

16.12.2022

Order No.

02. 1. The Petitioners-applicants, Junior Clerks working in Taken Over High School in Bolangir Education District, prayed for promotion to the post of Senior Clerk in terms of Government of Odisha, School & Mass Education Department Letter bearing No.3955-IV.SME/E(II).201/2011/SME dated 16th February, 2012, which is a letter in connection with compliance of the Order dated 3rd January, 2012 passed by the learned Odisha Administrative Tribunal, in connection with promotion of Ministerial Staff, *i.e.*, Junior Clerk to Senior Clerk of Khurda Circle. It is contended by the Petitioners that even though the Posts of Senior Clerk were lying vacant, no step has been taken by the Opposite Party No.3, namely, the District Education Officer, Bolangir to grant promotion to the post of Senior Clerk from the Gradation List of Junior Clerks of the Bolangir Education District.

It is stated by the Petitioners that representation has been submitted to the Director, Secondary Education, Odisha

for consideration of their case for promotion pursuant to direction of the learned Odisha Administrative Tribunal in O.A. No.2819(C) of 2014 vide Order dated 8th September, 2014.

2. A counter affidavit has been filed by the Opposite Party No.3, namely, District Education Officer, Bolangir. Mr. Dipti Ranjan Mohapatra, learned Standing Counsel for S&ME referred to paragraph-9 of the Counter affidavit which reads as under:

“9. That, it is humbly submitted that further in the year 2020 vide Office Order No.10032 dated 29.12.2020 final gradation list of Junior Assistants of Bolangir district was published, in which the name of the petitioners were found place at Sl. No.23 and 24 and the petitioners came to the zone of consideration for promotion. On recommendation of the Departmental promotion Committee held on 25.01.2021, the petitioners were promoted to the post of Senior Assistant vide office order No.1477 dated 19.02.2021 and posted at Block Education Officer, Belpara and Block Education Officer, Titilagarh respectively. It is pertinent to mention here that the petitioner No.1 represented to forgo the promotion on his health/personal ground, the acceptance order of the petitioner to forgo the promotion is annexed herewith as Annexure-D/3 and the petitioner No.2 joined in his promotional post. The copy of the office order No.1477 dated 19.02.2021 of the District Education Officer, Balangir is annexed herewith as Annexure-E/3.”

3. Mr. Dipti Ranjan Mohapatra, learned Standing Counsel submitted that on recommendation of the Departmental Promotion Committee, both the Petitioners have been provisionally promoted to the rank of Senior Assistants (S&ME) in Level-VII. In view of the aforesaid position as is

existing today, Mr. Mohapatra submitted that the matter has been rendered infructuous.

4. Accordingly, the relief prayed for in the writ petition does not survive and hence, the writ petition is disposed of as infructuous.

(M.S. Raman)
Judge

MRS

