

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC (OA) No. 1656 of 2014

**Sadhu Charan Mohapatra & Petitioners
others**

Mr. S. Pradhan along with Mr. K.C.
Sahu, Advocate

-versus-

State of Odisha & others Opp. Parties

Mr. R.C. Pattnaik, Standing Counsel
(School and Mass Education)

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

**ORDER
26.10.2022**

Order No.

02.

1. This matter is taken up through hybrid mode.
2. The writ petition has been registered before this Court on 17.08.2021 after the Original Application was transferred from the learned Odisha Administrative Tribunal, Principal Bench, Bhubaneswar upon abolition.
3. On perusal of the available order sheets of the learned Tribunal, it is indicated that notice on admission was issued on 12.08.2014 directing to file counter within four weeks and rejoinder was to be filed within two weeks thereafter. The matter was not taken up/pursued after 05.01.2017.
4. The O.A. was filed challenging the amendment of the Odisha Elementary Education (method of Recruitment and Conditions of Service of Teachers and Officers) Amendment Rules, 2014 so far as it related to

exclusion of the Level-IV Headmasters with C.T. qualification for consideration for promotion to the post of Level-III Headmasters confining the zone of consideration only to the Level-IV Headmasters with B.Ed. qualification.

5. It is fairly submitted by the learned counsel for the petitioners that during pendency of the O.A., the subsequent developments have been taken place rendering the matter infructuous.

6. Learned Standing Counsel for the School and Mass Education Department refers to the counter filed before the learned Tribunal dated 02.12.2015 and submits that the amendment brought into force in 2014, is sync with the Right of Children to Free and Compulsory Education Act, 2009 and the corresponding Rules made by the State of Odisha, 2010 and in fact it is for implementation of the said Act and Rules, therefore cannot be faulted with.

7. Having heard learned counsel for the parties, the writ petition is disposed of granting liberty to the petitioners to revive the petition within sixty days for any surviving cause of action.

(M.S. Sahoo)
Judge