

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC(OAC) No.3113 of 2015

Kalandi Nayak

Petitioner

....
Mr. P.K. Rath, Advocate

-versus-

State of Odisha & others

Opp.parties

....
Mr.P.K.Panda, SC (School & Mass Education)

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

ORDER

11.07.2022

Order No.

1. 1. This matter is taken up through hybrid mode.
2. The writ petition has been registered before this Court on 20.12.2021, 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 29.10.2015 and the matter was never taken up/pursued thereafter. Counter on behalf of opposite party no.3 dated 14.11.2018 is available on record.
4. Learned Standing Counsel referring to the averments made in the writ petition as well as counter submits that the challenging the writ petition was to the orders dated 25.06.2015 as well as 06.07.2015 (Annexure-10 series) passed by opposite party no.2-Collector-cum-CEO Zilla Parisada Kendrapara and opposite party no.4-Block Education Officer, Derabish Block respectively.
5. Learned Standing Counsel referring to paragraph-8 of the counter which states as follows :

“8. That it is respectfully submitted that in the meantime, the petitioner-Sri Kalandi Nayak

submitted the training pass certificate and basing on this certificate, he was declared as regular primary School teacher w.e.f. 06.05.2016 in order no.3022(3) dated 24.12.2016 of the District Project Co-ordinator, SSA, Kendrapara with due approval of the Collector. The copy of the order is hereby annexed as Annexure-B/3.”

6. It is submitted by the learned Standing Counsel for the School and Mass Education Department that in view of the order declaring the petitioner as regular Primary School teacher pursuant to order no.3022(3) dated 24.12.2016 of the District Project Coordinator, SSA, Kendrapara with due approval of the Collector with effect from 06.05.2016, nothing would survive for adjudication.

7. Learned counsel for the petitioner taking note of the submissions of the learned Standing Counsel as well as Annexure-B/3 submits that the petitioner may be disposed of as not pressed with liberty to revive the same for any surviving/ subsequent cause of action.

8. Accordingly, the writ petition is disposed of as not pressed with liberty as prayed for.

(M.S.Sahoo)
Judge