

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC (OAC) No. 3116 of 2015

Manjurani Dash

....

Petitioner

Mr. Satyajit Mohapatra, 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. When the matter was last taken up on 07.07.2022, after hearing the learned counsel for the petitioner as well as learned Standing Counsel for the School and Mass Education, the following order was passed:-

"2. The writ petition has been registered before this Court on 21.12.2021, after the Original Application was transferred from the learned State Administrative Tribunal, Cuttack Bench, Cuttack upon its abolition.

3. On perusal of the available order-sheets of the learned Tribunal, it is indicated that though notices were never issued on 28.08.2015, the learned Tribunal directed the Standing Counsel for the School and Mass Education Department to obtain instruction and passed interim order that the applicant shall not be relieved, if not relieved in the meantime, till the next date of listing, i.e. 1st week of September, 2015. Thereafter by order dated 03.09.2015 the learned Tribunal directed to file counter without issuing notice observing that if no counter will be filed, O.A. will be disposed of basing on the materials available on record. Thereafter, on the next five dates, no specific order has been passed and only a reference

has been made to an order passed in O.A. No.3028(C) of 2015. It is a matter of concern, the learned Tribunal while exercising jurisdiction akin to the writ jurisdiction passes interim orders without issuing notice and also directed to file counter without entertaining the matter on merit.

4. Learned counsel for the petitioner submits that he may be granted further time to obtain up-to-date instruction from the petitioner.

5. Learned Standing Counsel submits that nothing would survive considering the nature of grievance raised in the writ petition, i.e., challenge to a order of transfer and posting dated 01.08.2015 (Annexure-1).

6. Having heard the learned counsel for the parties, to grant another opportunity to the petitioner, list on 25.07.2022.”

3. Learned counsel for the petitioner has filed a memo, which is on record praying to withdraw the writ petition.

4. Learned Standing Counsel for the School and Mass Education Department reiterates the submissions on behalf of the State as noted in the order dated 07.07.2022.

5. Having heard learned counsel for the parties, the writ petition is disposed of.

(M.S. Sahoo)
Judge