

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC(OAC) No.3477 of 2015

Ramani Mahapatra

....

Petitioner

None

-versus-

State of Orissa & others

....

Opp.parties

Mr. R.N. Acharya, Standing Counsel for the
School and Mass Education Department

CORAM:

JUSTICE M.S.SAHOO

ORDER

23.12.2022

Hybrid Mode

Order No.

2. 1. None appears for the petitioner when the matter is called.
2. None had appeared for the petitioner, when the matter was last taken up on 12.07.2022 and after considering the pleadings as well as the submissions of the learned Standing Counsel, the following order was passed granting another opportunity to the petitioner :

"2. The writ petition has been registered before this Court on 21.12.2021, 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 13.10.2015 and the following interim order was passed :

"... ... Considering the submission, we note that the applicant stand in the same footing as the applicants in O.A. No.2899(c)/2015 and there is no option to take different view. Hence, the order vide Annexure-4 be kept in abeyance till the next date."

4. Since the records of O.A. No.2899(c)/2015 is not available, this Court is not a position to note what exact order was passed.

5. The said interim order was continued till 09.03.2018 and on being mentioned by the learned Standing Counsel for the School and Mass Education Department that the stay is continuing, the learned Tribunal allowed one last chance and directed that if nobody appeared on the next date, the case will be dismissed, as none had appeared on 09.03.2018.

Thereafter, the matter was listed on 09.04.2018, 10.05.2018 not taken up/pursued thereafter.

5. Learned Standing Counsel for the School and Mass Education Department refers to the counter dated 05.02.2019 filed before the learned Tribunal and refers to paragraph-5 of the said counter, which is quoted herein:

“5. That it is humbly submitted that the applicant while working as a contractual teacher was terminated by the DEO, Deogarh on 28.08.2013 pursuant to the letter no.22428 and no.29472 dated 22.08.2015 of the Director, Secondary Education, Odisha on the basis of the order dated 14.5.2015 and dated 11.6.2015 in O.A. No.1674(c)/2015 and W.P.(C) No.10758/2015 respectively and the applicant has been aggrieved by this order and challenged before the Hon’ble OAT.”

6. It is further submitted by the learned Standing Counsel referring to paragraph-8 that the applicant before the learned Tribunal appeared before Medical Board and the Medical Board furnishes finding annexed as Annexure-A/3 indicating that the disability afflicting the applicant is not permanent but temporary. Therefore, he cannot be given the benefit of the reservation for differentially abled persons.

7. Having heard learned Standing Counsel for the State, to grant another opportunity to the petitioner, list on 26.08.2022.”

3. Learned Standing Counsel reiterates his submissions as noted in the order dated 12.07.2022 indicated above.

4. Having heard learned Standing Counsel, the writ petition is disposed of granting liberty to the petitioner to revive the same within sixty days for any surviving cause of action.

(M.S.Sahoo)
Judge

Gs

