

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC(OA) No. 1405 of 2016

Girish Kumar Mishra **Petitioner**

Mr. Chandra Sekhar Panda, Advocate

-versus-

State of Odisha and others **Opposite Parties**

Mr. Nilambar Jena, SC, S&ME Deptt.

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

**ORDER
28.7.2022**

Order No .

1. This matter is taken up through hybrid mode.
2. The writ petition has been registered before this Court on 5.1.2022 after the Original Application was transferred upon abolition of the learned Odisha Administrative Tribunal, Bhubaneswar.
3. On perusal of the available order sheets of the learned Tribunal it is indicated that notices were issued on 12.7.2016 directing to file counter within four weeks and rejoinder within two weeks thereof. The matter was never taken up/pursued till it listed today before this Court after being transferred nor there is any further pleadings by any of the parties.
4. It is submitted by learned counsel for the petitioner that he has no up-to-date instruction to pursue the matter at present on behalf of the petitioner.
5. The O.A. was filed in the year 2016 by the petitioner then working as Headmaster, Raximunda Upper Primary School challenging the provisional gradation list of Level III teacher under Odisha Elementary Education Rules, 1997 with a further direction to give him promotion to the next level.
6. It is submitted by learned Standing Counsel that considering the nature of grievance raised in the writ petition

that is challenge to a gradation list, that was published way back in the year 2015 (on 31.8.2015), nothing would survive at present for adjudication by this Court. It is further submitted that the petitioner would have retired from Govt. service on attaining the age of superannuation in the year around 2021.

7. Having heard learned counsel for the parties, 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

dutta

