

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No. 26766 of 2019

State of Odisha and others

.....

Petitioners

*Mr. S. Jena, Standing Counsel for
School & Mass Education Department*

Vs.

Nirupama Mishra and others

.....

Opposite Parties

CORAM:

DR. JUSTICE B.R. SARANGI

MR. JUSTICE SANJAY KUMAR MISHRA

ORDER

25.07.2022

Order No.

03.

This matter is taken up through hybrid mode.

2. Heard Mr. S. Jena, learned Standing Counsel for School & Mass Education Department appearing on behalf of State-Petitioners.

3. The State-Petitioners have filed this Writ Petition seeking to quash the order dated 20.11.2015 passed by the Orissa Administrative Tribunal, Principal Bench, Bhubaneswar in O.A. No. 3014 of 2015, which was disposed of taking into consideration the order passed by the Tribunal dated 13.05.2015 in O.A. No. 1237 of 2014.

4. Mr. Jena, learned Standing Counsel contended that the basis on which this Original Application is disposed of, i.e. Order dated 13.05.2015 passed in O.A. No. 1237 of 2014, was the subject matter of dispute before this Court in W.P.(C) No. 370 of 2018. This Court vide order dated 05.04.2018 observed that the applicant before the Tribunal being a fence sitter the Tribunal has not considered the delay in approaching the Tribunal by the said applicant, which is an error

apparent on the face of the record. Accordingly, this Court set aside the order impugned therein in exercise the jurisdiction under Article 227 of the Constitution of India. Against the said order, the private Opposite Party had approached the apex Court by filing Special Leave to Appeal (C) No. 16394 of 2018, which was dismissed vide order dated 23.07.2018.

5. In view of the above position, the present case stands disposed of in terms of the order dated 05.04.2018 passed by this Court in W.P.(C) No. 370 of 2018, which has been made confirmed by the apex Court.

Arun/Banita

