

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.C.(OA) No.1829 of 2013

Hemanta Kumar Bhoi

....

Petitioner

None

-versus-

State of Odisha and another

....

Opposite Parties

Mr. Manoj Kumar Khunita,

Additional Government Advocate along with

Mr. Anupam Rath, Additional Standing Counsel

(For Opposite Party Nos.1 to 4)

CORAM:

JUSTICE M.S. RAMAN

ORDER

04.03.2022

Order No.

01.

1. This matter is taken up through virtual/physical mode.
2. The Original Application No.1829 of 2013 was filed before the Orissa Administrative Tribunal, Bhubaneswar. After its abolition, the same has been transferred to this Court which is renumbered as W.P.C.(OA) No.1829 of 2013.
3. None appears for the Petitioner on the second round of call.
4. Heard Mr. Khuntia, learned Additional Government Advocate alongwith Mr. Rath, learned Additional Standing Counsel for the State-Opposite Parties.
5. The Petitioner-Applicant has challenged the order dated 26th October, 2012 passed by the Superintendent of Excise, Sambalpur. The Petitioner alleges that though the application for the post of Excise Constable was incomplete qua Opposite Party No.5, namely, Shantanu Kumar Behera, the Petitioner was ignored.

6. Counter affidavit filed by Opposite Party Nos.2 to 4 refuting all the contentions and averments made by the Petitioner. Annexure-A enclosed to counter gives a clear picture that though Opposite Party No.5 and the present Petitioner have secured equal marks in the Scheduled Caste category (male) against one post, Opposite Party No.5 being elder in age, the Petitioner was kept under waiting list. Consequently, Opposite Party No.5 was selected.

7. Since the matter is of the year, 2013, by efflux of time, the cause of action does not survive.

8. Accordingly, this writ petition is disposed of as infructuous with liberty to the Petitioner to revive this petition within ninety days from today, if any cause of action still survives.

Issue urgent certified copy as per rules.

(M.S. Raman)
Judge

Jyostna