

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC(OAPC) No. 229 of 2014

Basanta Kumar Mohanta **Petitioner**

Mr. A. K. Behera, Advocate

-versus-

State of Odisha and others **Opp. Parties**

Mr. Debasis Mohapatra, SC, S&ME Department

CORAM:
JUSTICE M.S.SAHOO

ORDER
5.4.2022

Order No.

2.

1. This matter is taken up by hybrid mode.

2. Learned counsel for the petitioner submits that he has no up-to-date instruction to pursue the matter on behalf of the petitioner at present.

3. On 22.3.2022 when the matter was taken up, after considering the matter in detail, the following order was passed :

"1. This matter is taken up through hybrid mode.

2. The writ petition has been registered before this Court on 14th December, 2021, after the original application was transferred from the learned Orissa Administrative Tribunal, Cuttack Bench, Cuttack upon its abolition.

2. On perusal of the available order sheets of the learned Tribunal, it is indicated that the matter was never taken up after 12.03.2015.

3. None appears for the petitioner when the matter is called.

4. Learned Standing Counsel submits that he does not have copy of the O.A., as the matter has been transferred from the learned Tribunal and he is allowed to take copy of the writ petition from the court brief on payment of cost.

5. On perusal of the original application, now renumbered as writ petition, it is indicated that the petitioner was 53 years of age working as I/C Headmaster of Ambika New Govt. High

School, At/P.O.-Kothabilla in the district of Mayurbhanj had filed the original application in the year 2014 inter alia praying for a direction to count his service as a Trained Graduate Teacher towards the seniority in the Junior Subordinate Education Service cadre, upon merger of the cadre of Trained Graduate Teachers of both old Govt. and new Govt. High Schools.

6. From the available records, it is apparent that the matter was never pursued for last about seven years till it is listed today and the petitioner would have retired in the year 2021 on attaining age of superannuation.

7. In view of the above, nothing would survive for determination for the present, considering the nature of grievance i.e. counting of service in a particular cadre for grant of seniority as well as promotion from Jr. Subordinate Education Service to Sr. Subordinate Education Service.

To grant another opportunity to the petitioner, list on 5th April, 2022.”

4. Learned Standing Counsel reiterates the submission on behalf of the learned counsel for O.P.-State as indicated in the order dated 22.3.2022.

5. Having heard learned counsel for the parties, the writ petition is disposed of for lack of instruction from the petitioner at present to pursue the litigation granting liberty to revive the same within sixty days for any surviving cause of action.

(M.S.Sahoo)
Judge

dutta