

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC(OAC) No. 745 of 2013

Chinmayee Mishra

Petitioner

Mr. Satyajit Behera, Advocate

-versus-

State of Odisha and another Opposite Parties

Mr. Prabhat Kumar Panda, SC, S&ME Department

CORAM:

JUSTICE M.S.SAHOO

ORDER

23.3.2022

Order No.

1. 1. This matter is taken up by hybrid mode.
2. The Original Application having been transferred from the learned Orissa Administrative Tribunal, Cuttack Bench, Cuttack upon its abolition, has been registered before this Court on 2nd December, 2021.
3. On perusal of the available order sheets of the learned Tribunal it is indicated that the matter was never taken up after 29.8.2013.
4. The O.A. was filed in the year 2013 by the petitioner/applicant when she was 54 years of age working as Headmistress in Sri Ganesh Girls High School, Dhanupali, Sambalpur.
5. The O.A. was filed being aggrieved by the orders as at Annexure-9 dated 29.1.2013 issued by the District Education Officer, Sambalpur (O.P. No.3) pursuant to the order passed by the Director of

Secondary Education, Odisha for implementation of the judgment dated 4.1.2001 of Hon'ble Supreme Court of India in C.A. No.3190/99 & No.4670/99 and the judgment dated 25.1.99 of this Court (Special Bench) in OJC No. 9655/92 and batch of other 32 cases, Govt. in School & Mass Education Department Letter No.18335/SS SME dt.28.6.2000, letter No.1149/SME dt. 11.01.02 letter No.14024 dt.13.6.02, letter No. 14238/SME dt.18.6.2002, letter No.IV-SME-E(II)-139/2012-25397/SME dated 05.10.2012 and Directorate, Secondary Education, Odisha, Bhubaneswar Order No. 6S-78-99-23852/Date 09.07.2002 5M-III-21-2012 36329/Date 01.09.2012. Order No.5M-III-21-2012-41676/Date 05.10.2012.

6. It is submitted by learned counsel for the petitioner that the petitioner was "born in charge Headmistress" w.e.f. 8.8.1987 as per Managing Committee Resolution NO.3 dated 8.8.1987 (Annexure-2) and could not have been affected by the orders passed by the Hon'ble Supreme Court and this High Court.

7. Learned Standing Counsel in response, submits that the order as at Annexure-9 dated 29.1.2013 indicates that the said order does not refer to any particular date of appointment/promotion and,

therefore, the grievance of the petitioner may not be correct.

8. It is submitted by learned counsel for the petitioner that he has no up-to-date instruction to pursue the litigation at present and as a matter of fact the petitioner has retired in the year 2019 on attaining the age of superannuation.

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

(M.S.Sahoo)
Judge

dutta

