

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC(OAC) No. 328 of 2012

Sandhyarani Mishra **Petitioner**

Mr. H. P. Rath, Advocate

-versus-

State of Odisha & another **Opp. Parties**

*Mr. S. Jena, Standing Counsel
(School and Mass Education Deptt.)*

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

**ORDER
16.03.2022**

Order No.

02.

1. This matter is taken up through hybrid mode.
2. On 16.02.2022, when the matter was taken up, none had appeared for the petitioner and after consideration of the matter in some detail, the following order was passed :-

“2. None appears for the petitioner when the matter is called.

3. The original application was transferred to this Court and registered on 29.11.2021 as writ petition after abolition of learned Orissa Administrative Tribunal.

4. On perusal of the order sheet of the learned Tribunal, it is indicated that the matter was never listed after 23rd February, 2012. To grant another opportunity, list on 14.3.2022.”

3. The petitioner was 55 years of age, when she filed the original application in the year 2012, while working as Assistant Teacher (Jr. S.E.S.) in Daspalla High School, Daspalla in the district of Nayagarh, inter alia challenging the promotions given to the cadre of Senior Subordinate Education Service (Sr. S.E.S.) from the cadre of Jr. S.E.S. alleging that the objections/representation of the

petitioner/applicant in the provisional gradation list of Jr. S.E.S. was not considered before effecting such promotion.

4. It is submitted by the learned counsel for the petitioner that he has no up-to-date instruction from the petitioner to pursue the matter at present. Further, it is submitted that the petitioner may be allowed to revive the petition for any subsisting/surviving cause of action for the fact that in certain cases, similarly situated persons have got the promotion as per the directions of the learned Tribunal.

5. It is submitted by the learned Standing Counsel that considering the nature of grievance i.e. the objection to the position of the petitioner in the gradation list of the year 2010-2011 and the fact that the petitioner would have retired from government service in the year about 2017 on attaining age of superannuation, nothing would survive for adjudication.

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 subsisting cause of action.

(M.S. Sahoo)
Judge