

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.C. (OAC) No.3096 of 2013

Smt. Sasmita Satpathy

....

Petitioner

Mr. J.K. Khuntia, Advocate

-versus-

State of Odisha & Others

....

Opposite Parties

Mr. R.C. Pattnaik, ASC for School and
Mass Education for Opp. Party No.1,2&3 and

Mr. Nayan Bihari Das, Advocate for Opp. Party No.4

CORAM:

JUSTICE M.S. RAMAN

ORDER

29.04.2022

Order No.

- 01.
1. This matter is taken up through virtual/physical mode.
 2. The Original Application No. 3096 of 2013 was filed before the State Administrative Tribunal, Cuttack Bench, Cuttack. After its abolition, the same has been transferred to this Court which is renumbered as WPC (OAC) No. 3096 of 2013.
 3. The Petitioner filed an Original Application before the learned Odisha Administrative Tribunal challenging the action of the Opposite Party No.3 in appointing the Opposite Party No.4 as in-charge Headmaster of the School, who has claimed to be the junior to the Petitioner. Per contra, Mr. Nayan Bihari Das, counsel for the Opposite Party No.4 submits that the matter has been pending since 2013 and in the meantime, the Petitioner has been transferred to another School, so also the Opposite Party No.4. So the question of consideration of the claim of the Petitioner does not arise.

4. Mr. Nayan Bihari Das has referred to Annexure-4 being the office order dated 4th September, 2013 issued by the District Inspector of School, Salipur, where in consideration of recommendation of School Managing Committee, Mahasinghpur U.P.M.E. School together with report of Enquiring Officer, Smt. Prativa Manjari Lenka (Opposite Party No.4), Senior Teacher of the School has been allowed to remain in-charge of Headmistress.

5. In view of the above, the matter has been rendered infructuous. In view of the submission made by the counsel for the Opposite Party No.4 that the Petitioner has been transferred to other school and the Opposite Party No.4 has also been transferred to some other School, there remains no subsisting cause of action.

6. Accordingly, the writ application is dismissed, however liberty is granted to the Petitioner to revive the petition within 90 days from today in case the cause of action still subsists.

(M.S. Raman)
Judge

Laxmikant