

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC(OAC) No. 4000 OF 2013

Bipin Kumar Nayak

....

Petitioner

None

-versus-

State of Odisha and another

.... ***Opposite Parties***

Mr.T.K.Praharaj, SC

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

**ORDER
18.5.2022**

Order No.

- 3.**
1. This matter is taken up by hybrid mode.
 2. None appears for the petitioner when the matter is called.
 3. When the matter was last listed on 4.5.2022 and 8.4.2022, none had appeared for the petitioner.
 4. On 8.4.2022 after considering the matter in some detail and the submissions of learned counsel for the State, following order was passed :

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

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

3. The writ petition has been registered before this Court on 4th December, 2021, after the original application was transferred from the learned State Administrative Tribunal, Cuttack Bench, Cuttack upon its abolition.

4. On perusal of the available order sheets of the learned Tribunal, it is indicated that notices were issued on 03.01.2014 and interim order was passed directing the selection process for the post of ad-hoc Lecturer in Chemistry (College Branch) to continue, the result shall not be published without leave of the Tribunal. Thereafter the said order has been modified by the Tribunal by order dated 26.02.2014 that one post of

ad-hoc Lecturer in Chemistry (College Branch) shall be kept vacant till the next date and the matter was never been taken up thereafter.

5. *Learned AGA referring to the counter filed on behalf of the opposite parties submits that the writ petition is devoid of any merit. He further submits that since the advertisement (Annexure-1) was for a particular tenure as indicated in para-7, nothing would survive for adjudication in the writ petition after a lapse of nine years of the advertisement. For reference, para-7 of the Advertisement is quoted herein:-*

“7. Tenure: *The posting is purely temporary and the candidates cannot claim their right to continue in the post on the basis of such appointment. The tenure will be only for a period of one year w.e.f. the date of joining in the post or the recommendation of OPSC for the regular appointment is made in the said post whichever is earlier.”*

6. *Having heard the learned AGA, to grant another opportunity to the petitioner, list on 4th May, 2022.”*

5. Learned Standing Counsel reiterates the submissions on behalf of State as noted in the order dated 8.4.2022.

6. Having heard learned Standing Counsel, the matter is disposed of for non-prosecution.

7. All interim orders passed earlier, stand vacated.

(M.S.Sahoo)
Judge