

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC(OAC) No. 4001 OF 2013

Jitendra 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 the matter was never taken up for admission and adjourned on the dates 03.01.2014 and 28.02.2014 and never taken up thereafter, till it is listed today before this Court.

5. Learned AGA referring to the counter filed on behalf of the opposite parties 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 ready 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 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