

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(OAC) No.4169 of 2011

Dinabandhu Nayak

....

Petitioner

Mr.M.K.Sahoo, Adv.

-versus-

State of Odisha & Ors.

....

Opposite Parties

Mr.Biswajeet Mohanty,SC

(For School and Mass Education)

CORAM:

MR. JUSTICE S.K. PANIGRAHI

ORDER

15.02.2022

Order No.

01.

1. This matter is taken up by hybrid mode.

2. Heard learned counsel for the parties.

3. By way of this Writ Petition, the petitioner has challenged the inaction of the opposite parties in not giving promotion and promotional benefits to the petitioner. This inaction flouts the law laid down by the Tribunal in the case of Surendra Pal which was later modified by this Court in the case of P.Bengali Patra.

4.The grievance of the petitioner is that he was selected and appointed as an Assistant Teacher at Talabahali P.S.U.P School on 18.12.1975 under Angul Education district. During his service period the petitioner became eligible for promotion to the post of Head Master, taking into account of his B.Ed qualification as per the Govt. Resolution dated 01.12.1991 and Orissa Elementary Cadre Rules of 1997. However, the same was not implemented for the promotion of the petitioner, although similarly situated persons were promoted. The

promotion of the petitioner was not considered despite opposite party No.2 had been directed to implement the order vide letter No.8978/SME dated 29.05.2010(Annexure-3) and subsequently letter dated 25.06.2011 (Annexure-4) issued in this connection by the D.I. of Schools and the petitioner is placed at Serial No.2 in the Gradation List.

5. Learned counsel for the petitioner submits that although the State Government directed the opposite party No.2 to promote the petitioner against the vacancies available in the post of Headmaster prior to 12.08.1997 following the ratio of judgment rendered by learned Tribunal and the Govt policy decision under Annexure-3 the petitioner was not promoted to the post.

6. However, it is pertinent to mention here that the petitioner was 57 year-old at the time of filing of writ petition i.e. in the year 2011. It appears that the petitioner must have retired and the writ petition must have lost its relevance now.

7. In view of the aforesaid facts, the W.P(OAC) stands disposed of.

8. However, the petitioner is granted liberty to approach this Court if any cause of action survives.

(S.K. Panigrahi)
Judge

LB

