

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**WPC(OAPC) No.3426 of 2017**

**Kiran Kumari Rath**

....

**Petitioner**

None

-versus-

**State of Odisha and others**

....

**Opp. Parties**

Mr.Pabitra Mohan Patjoshi, SC, S&ME Department  
for OPs.1 to 4

**CORAM:**

**JUSTICE M.S.SAHOO**

**ORDER**

**19.12.2022**

**Order No.**

*Hybrid Mode*

- 2** 1. None appears for the petitioner when the matter is called.
2. When the matter was last taken up on 13.10.2022 following order was passed and the matter was adjourned granting another opportunity to the petitioner :

*"2. The writ petition has been registered before this Court on 24.01.2022 after the Original Application was transferred from the learned Odisha Administrative Tribunal, Cuttack Bench, Cuttack upon abolition.*

*3. On perusal of the available order-sheets of the learned Tribunal, it is indicated that notices on admission were issued by order dated 24.11.2017 directing to file counter.*

*4. Learned counsel for the petitioner submits that since the matter is old one, he may be accommodated for some time to obtain up-to-date instruction.*

*5. Learned Standing Counsel for the School and Mass Education Department referring to the order impugned, i.e., Annexure-2 dated 30.08.2017 issued by the Government in the Department of School & Mass Education regarding the merger of Government Upper Primary Schools nearby/adjacent Government High Schools submits that such policy of merger is in furtherance of the right to education and to maintain the student teacher ratio, therefore, cannot be faulted with.*

*6. Having heard the learned Standing Counsel for the School and Mass Education Department to grant*

*another opportunity to the petitioner, list on 30.11.2022.*

*7. Counter on behalf of the opposite parties be filed by the next date.”*

3. It is submitted by learned counsel for the petitioner that the petitioner has retired from Govt. service on 30.06.2022 and since the issue involved is regarding merger of the School where the petitioner was working, nothing would survive at present for adjudication.

4. Having heard learned Standing Counsel, the writ petition is disposed of granting opportunity to the petitioner to revive the same within sixty days for any surviving cause of action.

***(M.S.Sahoo)***  
***Judge***

*dutta*