

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 40908 of 2021

Pranaya Kumar Mohapatra

.....

Petitioner

Mr. P.K. Sahoo, Advocate

Vs.

State of Odisha & Ors.

.....

Opposite parties

CORAM:

DR. JUSTICE B.R. SARANGI

ORDER

20.01.2022

Order No.

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This matter is taken up through video conferencing mode.

2. Heard Mr. P.K. Sahoo, learned counsel for the petitioner.

3. The petitioner files this writ petition challenging the order dated 18.06.2019 passed by the State Education Tribunal, Odisha in GIA Case No. 155 of 2015, which has been filed under section 24-B of the Orissa Education Act, 1969 for approval of his appointment with release of grant-in-aid till his retirement. The Tribunal in the said order dismissed the claim of the petitioner having no merit.

4. Mr. Sahu, learned counsel for the petitioner contended that since the petitioner had secured less percentage of mark, his case has not been considered, for which he had approached this Court by filing OJC No. 15186 of 1998, which was dismissed. However against the order passed in the said writ petition, he approached the apex Court in S.L.P. (C) CC 6114 of 2014. During pendency of the SLP since the petitioner was superannuated, he prayed for withdrawal of the case with liberty to approach this Court to seek relief as available to him. Thereafter the petitioner filed W.P.(C) No. 16824 of 2014. The said writ petition was disposed of as

withdrawn granting liberty to the petitioner to move before the appropriate forum ventilating his grievance. Accordingly the petitioner filed GIA Case No. 155 of 2015.

5. Learned counsel for the petitioner further contended that the GIA case was posted to 08.01.2019 and on the prayer of the Government Advocate the case was adjourned to 05.05.2019 on which date the same was not listed. Thereafter the case was listed on 18.06.2019 which was not within the knowledge of the petitioner. Though the counsel for the petitioner was not present on 18.06.2019, however in the order, his presence has been noted.

6. On perusal of the order, it appears that on 18.06.2019, the counsel for the petitioner was present and the GIA case was dismissed as no merit since the Tribunal recorded that the petitioner is not eligible to get any benefit. Nothing is there to substantiate the claim of the petitioner that his counsel was not present on the date fixed. Rather the order reveals that in his presence the same has been passed. That apart though the order was passed on 18.06.2019, the same has been challenged only in December 2021, i.e. more than two years after such order was passed. Not a single word has been spelt with regard to such delay in filing the writ petition. Therefore, the writ petition also suffers from delay and laches.

7. In view of the above, the writ petition merits no consideration and the same is accordingly dismissed.

8. As the restrictions due to resurgence of COVID-19 situation are continuing, learned counsel for the parties may utilize a print out of the order available in the High Court's website, at par with certified copy, subject to attestation by the concerned advocate, in the manner prescribed, vide Court's

Notice No.4587 dated 25th March, 2020, as modified by Court's Notice No. 4798 dated 15th April, 2021 and Court's Office Order circulated vide Memo Nos. 514 and 515 dated 7th January, 2022.

Arun

(DR. B.R. SARANGI)
JUDGE

