

(2023) 04 OHC CK 0047

In the Orissa High Court

Case No : Writ Appeal No. 1341 Of 2022

Pradipta Kuanar And Others

APPELLANT

Vs

State Of Odisha And Others

RESPONDENT

Date of Decision : 05-04-2023

Acts Referred:

Citation : (2023) 04 OHC CK 0047

Hon'ble Judges : Dr. S. Muralidhar, CJ;G. Satapathy, J

Bench : Division Bench

Advocate : G. Sethi, A. P. Das

Final Decision : Disposed Of

Judgement

1. The impugned order of the learned Single Judge dated 12th September, 2022 reads as under:

"This matter is taken up through hybrid mode.

2. It is contended that by efflux of time, the writ petition has become infructuous.

3. In view of the above submission, the writ petition stands disposed of as infructuous."

2. The order is silent on which counsel contended that the writ petition had become infructuous when in fact learned counsel appearing for the Appellant-Writ Petitioner states that from the point of view of the Appellant-Writ Petitioner, the case had not become infructuous. This was a writ petition that stood transferred from the Odisha Administrative Tribunal (OAT) to the High Court after abolition of the OAT. The matter related to recruitment and the subject matter is stated to be still alive. Further, even a counter affidavit had not yet been filed by the State either before the OAT or the High Court.

3. In view of the above factors, the impugned order is hereby set aside and W.P.C (OAC) No.129 of 2018 is restored to the file of the learned Single Judge in

the roster Bench where it will be listed on 14th August, 2023. Learned Additional Standing Counsel for the Respondent-State will file its para-wise reply to the writ petition not later than 1st August, 2023 and the Appellant will file rejoinder, if any, thereto on or before 14th August, 2023. It is made clear that no further time will be granted to either of the parties for that purpose.

4. The learned Single Judge is requested to proceed with the hearing of the petition on merits and endeavour to dispose it of as expeditiously as possible.

5. The writ appeal is disposed of in the above terms.

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