

IN THE HIGH COURT OF ORISSA AT CUTTACK
EXP No.8 of 2025

Rashmirekha Mishra

.....

Petitioner

Represented by Adv. –
Mr. Jitendra Kumar
Mishra (2)

-versus-

***1) Commissioner -cum-secretary,
School and Mass Education
Department, Khurda***

.....

Opposite Parties

***2) Director, Secondary Education
Odisha***

Represented by Adv. –
Mr. S.J. Mohanty,
A.S.C.

CORAM:
REGISTRAR (JUDICIAL)

ORDER

08.07.2026

Learned counsel for the petitioner, decree holder and the learned A.S.C. are present.

2. Perused the execution petition case record and disposed of order passed by the Hon'ble Court on 24.01.2024 passed in WP(C) No. 3755 of 2023 and show cause affidavit dated 05.01.2026 alongwith annexure by O.P. No. 2.

3. During course of hearing the learned counsel appearing for the petitioner submitted that mere pending of W.A. No. 2437 of 2024 is not a ground so as not to carry out the order of the Hon'ble Court dated 24.01.2024.

4. On the other hand the learned A.S.C. submitted that as the Govt. has preferred writ appeal the hearing of the case can be deferred till the disposal of the appeal.

5. Heard both sides and perused the case record which reveals that in spite of direction of Hon'ble Court, no compliance report has been filed. There is also nothing in the case record to show that order has been implemented. So far as the ground taken by the O.P.s is concerned it is to be mentioned here that though writ appeal has been preferred, no order of stay has been granted by the Hon'ble Court. So the ground taken by the O.P.s for not complying with the order passed by the Hon'ble Court cannot be sustained. In view of the above it requires that the order passed by the Hon'ble court be executed as per the procedure prescribed by Civil Procedure Code. On going through the execution petition, it reveals that the petitioner has not mentioned therein as to the manner in which he wants to execute the order of the Hon'ble Court. In view of the above, the petitioner is directed to file affidavit mentioning therein as to the manner in which he wants to execute the order of the Hon'ble Court as per the Code of Civil Procedure, 1908.

Put up this matter on 05.08.2026.

Registrar (Judicial)
Lawzima