

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 13194 of 2014

Pramodini Behera

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Petitioner

Mr. R.K. Behera, Adv.

Vs.

***1. Secretary to Government, in
Department of School and
Mass, Education, Bhubaneswar***

***2. Circle Inspector of Schools,
Education Circle, Kendrapara.***

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Opposite Parties

*Mr. S.N. Mohapatra,
Standing Counsel (S & ME)*

CORAM:

JUSTICE SAVITRI RATHO

ORDER

17.10.2022

Order No.
10.

(Through hybrid mode)

1. This writ application has been filed with a prayer to appoint the petitioner under Rehabilitation Assistance Scheme.
2. The case of the petitioner is that her husband late Nirmal Kumar Behera, after being duly selected had been engaged as a contract teacher in Mahakali High School, Belpal, Pattamundai, Dist-Kendrapara pursuant to order dated 08.08.2008, under Annexure-1 series. He had been transferred and posted at Gopinath Sasan High School. As per Government instruction he would have regularized after six years, but he expired before that. As his family lost its sole breadwinner, they were put to undue hardship, for which the petitioner had submitted an application along with her

testimonials, on 11.10.2012 under Annexure-4 with prayer to extend her any suitable job for sustenance of the family. But no action has been taken on the same.

3. Counter affidavit has been filed by Circle Inspector of Schools, Kendrapara (now redesignated as District Education) Officer, Kendrapara (opposite party no.2), wherein it has been stated that late Nirmala Kumar Behera has served for three years eight months and twenty one days as a contract teacher . But his service period has not regularized as he had not completed six years of continuous service which was necessary. Therefore, Rule-2 (e) and 3 of the Orissa Civil Service (Rehabilitation Assistance) Rules, 1990 (in short "*Rehabilitation Rules*") will not be applicable in this case, for which the prayer of the petitioner is liable to be rejected.

4. Rejoinder has been filed by the petitioner stating inter alia that since the husband of the petitioner was a government servant and the scheme does not distinguish the category of service, but emphasizes on the conditions and objectives. Therefore the petitioner is eligible to get appointment under the Rehabilitation Assistance Scheme.

5. After hearing learned counsel for both parties, I find that copy of the application dated 11.10.2012 has not been annexed to the writ

application but an application dated 05.11.2013 addressed to the District Education Officer has been annexed as Annexure 4.

6. As the post of Circle Inspector of Schools has been re-designated as District Education Officer and it appears that the representation of the petitioner is still pending, without going into the merits of the case, the writ application is disposed of directing the opp. party no.2 to take a decision on the application of the petitioner in accordance with law, if it is still pending, within a period of eight weeks from the date of receipt of certified copy of this order. The petitioner shall do well to file a copy of the application dated 05.11.2013 along with a certified copy of the order before the opp. party no.2 to enable him to take a decision.

7. Urgent certified copy of the order be granted on proper application.

Sukanta

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(SAVITRI RATHO)
JUDGE