

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No.20508 of 2014

Sarojini Rout

.....

Petitioner

Mr. L.K. Mohanty, Advocate

Vs.

State of Orissa and others

.....

Opposite Parties

Mr. S. Jena, S.C. (S&ME) Deptt.

CORAM:

DR. JUSTICE B.R. SARANGI

MR. JUSTICE G. SATAPATHY

ORDER

16.09.2022

Order No.

10.

This matter is taken up through hybrid mode.

2. Heard Mr. L.K. Mohanty, learned counsel appearing for the petitioner and Mr. S. Jena, learned Standing Counsel for School and Mass Education Department.

3. The petitioner has filed this writ petition seeking to quash the order dated 09.04.2013 under Annexure-6, as well as the order dated 29.09.2014 under Annexure-5 passed in O.A. No.1178 (C) of 2013, whereby both the forums have rejected the claim of the petitioner for compassionate appointment by holding that the married daughters of the deceased employees cannot be considered for compassionate appointment.

4. Mr. L.K. Mohanty, learned counsel appearing for the petitioner contended that even though the petitioner is a married daughter, she is entitled to get compassionate appointment and this question remains no more res integra in view of judgment passed by this Court in *Kshirabadi Bala Behera v. Orissa Administrative Tribunal represented through its Registrar*,

Cuttack & Ors (W.P.(C) No.14945 of 2015 disposed of on 24.08.2022). Therefore, direction be issued to the State-opposite parties to give compassionate appointment to the petitioner in terms of the judgment passed by this Court in **Kshirabadi Bala Behera** (supra) by quashing the order dated 29.09.2014 passed by the Tribunal in O.A. No.1178 (C) of 2013.

5. Mr. S. Jena, learned Standing Counsel for School and Mass Education Department does not dispute the said fact.

6. Considering the contentions raised by learned counsel for the parties and after going through the records, since the case of the petitioner is covered by the ratio decided by this Court in **Kshirabadi Bala Behera** (supra), the order dated 09.04.2013 under Annexure-6 passed by the District Education Officer, Puri, as well as the order dated 29.09.2014 passed by the Tribunal in O.A. No.1178 (C) of 2013 cannot sustain in the eye of law. Accordingly, the same are quashed. Therefore, this Court directs the State-opposite parties to consider the case of the petitioner for compassionate appointment, as she is entitled to get the said benefit as OCS (RA) Scheme, 1990 is applicable to her. Needless to say the State-opposite parties shall examine and pass appropriate order within a period of four months from the date of communication/production of certified copy of this order.

(DR. B.R. SARANGI)
JUDGE

(G. SATAPATHY)
JUDGE