

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P. (C) No. 1518 of 2022***Radharaman Garnaik***

.....

Petitioner*Mr. D. N. Rath, Advocate*

Vs.

State of Odisha and others

.....

Opposite parties*State Counsel***CORAM:****DR. JUSTICE B.R. SARANGI****ORDER****21.01.2022****Order No.**

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This matter is taken up through video conferencing mode.

2. Heard.

3. The petitioner has filed this writ petition seeking direction to the opposite parties to issue appointment order in her favour under Rehabilitation Assistance Scheme as per the rules that was in force at the time of application of the petitioner as has been recommended/forwarded vide Annexure-5, keeping in view the recent judgment of the apex Court rendered in the case of the *State of Madhya Pradesh and others Vs. Ashish Awasthi and others*, 2021(II) OLR (SC) 1072.

4. In course of hearing, learned counsel for the petitioner contended that the application of the petitioner for appointment under Rehabilitation Assistance Scheme has been forwarded by opposite party no.3 to opposite party no.2 vide Annexure-5 and opposite party no.2 may be directed to take a decision thereof, within a stipulated time, taking into consideration the ratio decided in the case of *Ashish Awasthi* (supra), to which learned counsel for the State has no objection.

5. As agreed to by learned counsel for the parties, this Court, without expressing any opinion on the merits of the case, disposes of the writ petition directing opposite party No.2 to take a decision on the application of the petitioner for appointment under Rehabilitation Assistance Scheme has been forwarded by the opposite party no.3 to the opposite party no.2 vide Annexure-5, taking into consideration the ratio decided by the apex

Court in *Ashish Awasthi* (supra), and pass appropriate order in accordance with law within a period of three months from the date of production of certified/authenticated copy this order.

6. 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, J.)

