

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P. (C) No. 3591 of 2022

Nitya Sundar Nayak

.....

Petitioner

Mr. K. Swain, Advocate

Vs.

State of Odisha and others

.....

Opposite parties

State Counsel

CORAM:

DR. JUSTICE B.R. SARANGI

ORDER

04.02.2022

Order No.

1

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 appoint him in Group-D post under Rehabilitation Assistance Scheme in terms of Odisha Civil Service (Rehabilitation Assistance) Rules, 1990 which was prevalent at the time of death of his father 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*, 2021(II) OLR (SC) 1072.

4. In course of hearing, learned counsel for the petitioner states that highlighting the grievances, the petitioner has made a representation to opposite party No.2 vide Annexure-8 and the same may be directed to be considered 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 consider the representation filed by the petitioner vide Annexure-8, 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 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.

Ashok

(DR. B.R. SARANGI, J.)

