

IN THE HIGH COURT OF ORISSA AT CUTTACK

WP(C) NO.4579 OF 2022

Ashok Kumar Dutta

....

Petitioner

Mr.K.K.Swain, Adv.

-versus-

State of Odisha & ors.

....

Opposite Party(s)

Mr.S.P.Panda, AGA

**CORAM:
JUSTICE BISWANATH RATH**

**Order
No.**

**ORDER
15.2.2022**

1.

1. Heard learned counsel for the Parties. An extra copy of the Writ Petition be served on Mr.Panda, learned Additional Government Advocate.

2. The Writ Petition involves the following prayer :-

“Under the above circumstances, it is humbly prayed that the writ petition may be allowed;

And

(A)A writ of mandamus or an appropriate writ may be issued quashing the impugned order dated 10.2.2022 passed by the Collector & District Magistrate-cum-Election Officer, Cuttack-Opposite Party No.5 under Annexure-5 so far as the Petitioner is concerned and necessary direction may be made to the Collector & District Magistrate-cum-Election Officer, Cuttack-O.P.No.5 to exempt the petitioner from election duty as he is suffering from various ailments and has also applied for Voluntary Retirement from service on the ground of his ailments and family problems, within a time to be stipulated by this Hon’ble Court..

(B)And any other order/orders or direction/directions may be issued so as to give complete relief to the Petitioner.”

3. Learned counsel for the Petitioner brings to the notice of this Court by way of production of several prescriptions and advisories

involving number of Doctors to establish that the Petitioner is suffering heavily and is unable to attend the election duty.

4. Keeping in view the health condition of the Petitioner, it appears, the Petitioner has already made a request to the Collector & District Magistrate-cum-Election Officer, Cuttack, O.P.5, vide Annexure-8 to at least consider the dispensation of his service from election duty. The Petitioner has also disclosed that he has a pending application for allowing him to avail voluntary retirement pending with the competent authority.

5. Considering the documents attached, this Court finds, the request of the Petitioner at Annexure-8 deserves to be considered. Keeping in view the urgency involved herein and recording the statement of the learned counsel for the Petitioner that the election involved is scheduled to be held on 24.2.2022, O.P.5 is directed to look into the request of the Petitioner, vide Annexure-8 and taking into account the medical supporting therein to take a decision, as appropriate, in the way of elimination of the Petitioner from election duty, if possible, by completing such exercise positively by 18.2.2022. Let the Petitioner serve a copy of this order along with copy of the Writ Petition on O.P.5 by tomorrow (16.2.2022).

6. With the above direction, the Writ Petition stands disposed of.

7. Issue urgent certified copy.

8. A free copy of this order be supplied to the learned Additional Government Advocate.

(Biswanath Rath)
Judge