

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.7256 of 2021

Sri Prasanna Kumar Swain

....

Petitioner

Mr. Manas Pati, Advocate

-versus-

State of Odisha and others

....

Opposite Parties

Mr. P.C. Das, ASC for State

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

16.03.2022

Order No.

W.P.(C)No.7256 of 2021 & I.A. No.2523 of 2022

- 03.
1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
 2. Heard learned counsel for the Petitioner and learned Additional Standing Counsel for State.
 3. This I.A. has been filed by the Petitioner praying for disposal of the writ petition in the light of the decisions taken by the Screening Committee in the office of the Collector, Bolangir dated 08.04.2021 and Nuapada dated 03.06.2021 and Sundargarh dated 26.11.2021, which is annexed to the I.A.
 4. By way of this writ petition, the Petitioner has prayed for a direction to the Opposite Parties to release all the MACP benefits in favour of the Petitioner with all consequential benefits within a stipulated period. It is further prayed to quash the order under Annexures-5 & 6 and seeking direction to the Opposite Parties to grant financial upgradation in terms of the Finance Department

Notification dated 20.09.2017, keeping in view the law laid in the case of *State of Odisha and another vs. Bihari Lal Barik* in *W.P.(C) No. 2831 of 2016* disposed of on 27.06.2016 confirmed by the apex Court vide order dated 23.08.2017 in Diary No.20358 of 2017.

5. Learned counsel for the Petitioner contended that similar claim has been considered by the Screening Committee meeting held on 08.04.2021, 03.06.2021 and 26.11.2021 so far as Balangir, Nuapada and Sundargarh districts respectively are concerned, taking into consideration the minutes of the meeting, benefits have been extended to the similarly situated persons on 24.05.2021 so far as Balangir district is concerned and on 12.06.2021 so far as Nuapada district is concerned and 26.11.2019 so far as Sundargarh district is concerned. The Petitioner has annexed all such documents in the I.A. The Petitioner since stands in the same footing, similar benefits may be extended to him.

6. Learned Additional Standing Counsel contended that he has not received any instruction from the Opposite Parties in that regard, but since the Petitioner claims that similar benefits have been extended by the screening committee meeting held so far as Balangir, Nuapada and Sundargarh districts are concerned and so far as similarly situated persons are concerned, if the Petitioner's claim is covered by the said decision, let the Authority examine the same and pass appropriate order in accordance with law.

7. Having heard learned counsel for the respective parties, without expressing any opinion of the merits of the claim of the Petitioner, this court quashes the order of rejection under Annexures-5 and 6 and remits the matter back to Collector and District Magistrate, Kendrapara to consider the same in the light of

the decision taken in the Screening Committee meeting held on 08.04.2021 in the Conference Hall of Collector, Balangir and on 03.06.2021 in the office chamber of Collector, Nuapada and also taking into consideration that such benefits have already been extended in favour of similarly situated persons, vide order dated 24.05.2021 so far as Balangir district is concerned and vide order dated 12.06.2021 so far as Nupada district and 26.11.2021 so far as Sundargarh district are concerned. Let the Authority consider the case of the Petitioner in the light of such decisions and pass appropriate order in accordance with law as expeditiously as possible, preferably within a period of three months from the date of communication of this order.

8. With the aforesaid observation/direction the writ petition as well as I.A. stands disposed of.

9. Urgent certified copy of this order be granted on proper application.

(*A.K. Mohapatra*)
Judge