

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.6536 of 2022

*Manas Ranjan Acharya*

.... *Petitioner*  
*Mr. S.K. Panda, Advocate*

-versus-

*Union of India and others*

.... *Opposite Parties*  
*Mr. P.K. Parhi, ASGI*

CORAM:  
JUSTICE A.K. MOHAPATRA

Order No.

ORDER  
11.04.2022

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the petitioner as well as learned counsel for the State.
3. The petitioner has filed this writ petition seeking a direction to the Opposite Parties for providing appointment to the petitioner in any of the Class-IV Group 'D' post under the R.A. Scheme as per the prevailing existing provisions/Rules on the date of submission of application form by the petitioner so also death of the father of the Petitioner by applying the provisions of O.C.S.(R.A.) Rules, 1990 keeping in view the settled position of law laid down by the Hon'ble Apex Court in the case of **State of Madhya Pradesh & others-v.- Asish Awasthi in 21(II) OLR (SC) 1072** so also in the case of **The Secretary to Government Department of Education (Primary) & others-v.-Bheemesh Alias Bheemppa in Civil appeal No.7752/2021 (arising out SLP(C) No.1564 of 2021 dated**

**16.12.2021.**

4. Looking to the date of death of the deceased involving whose appointment under the Rehabilitation Assistance Scheme is sought and the date of application for appointment under the Rehabilitation Assistance Scheme, this Court therefore directs the Opposite Party No.1 to consider the case of the Petitioner for appointment under the Rehabilitation Assistance Scheme in terms of the provisions of Orissa Civil Services (Rehabilitation Assistance Rules, 1990, in view of the recent decision of the apex Court in the case of **Ashis Awasthi** (supra) and in the case of **The Secretary to Government Department of Education (Primary) & Ors. V. Bheemesh Alias Bheemappa (Civil Appeal No.7752 of 2021.)**

5. The entire exercise shall be completed within a period of three months from the date of communication/production of certified /authenticated copy of this order by the Petitioner.

6. With the aforesaid observation and direction the writ petition stands disposed of.

7. Urgent certified copy of this order be handed over on proper application.

**( A.K. Mohapatra )**  
**Judge**