

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.9697 of 2022

Prabodha Kumar Barad

....

Petitioner

Mr.P.R. Chhatoi , Advocate

-versus-

State of Odisha & others

....

Opposite Parties

Mr. K.K.Nayak, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

02.05.2022

Order No.

01

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner as well as learned Additional Standing Counsel.
3. The present writ application has been filed by the Petitioner with the following prayer: *स्वयमेव नयतो*

“In the above facts and circumstances, the Petitioner, therefore, most humbly prays that your Lordship would be graciously pleased to admit the writ petition, issue notice to the Opposite Parties and after hearing the counsel for the parties, this Hon’ble Court be further pleased to direct the Opposite Parties, more particularly to Opposite Party No.3 to issue appointment order in favour of the Petitioner under Rehabilitation Assistance Scheme as per the provisions of OCS(RA) Rules, 1990 with amended Rules, 2016 within a stipulated period fixed by this Hon’ble Court.

And/or pass such other order/direction as deem fit and proper in the facts and circumstances of the case;”

4. The case of the Petitioner in brief is that the Petitioner although had applied for appointment under the Rehabilitation

Assistance Scheme in the year 2019 the same has not been considered by the Opposite Parties. It is further submitted by the learned counsel for the Petitioner that the father of the Petitioner who was working as Peon in Dhanachangada High School in the district of Nayagarh died on 18.04.2004. Accordingly the mother of the Petitioner and the wife of the deceased applied for appointment under Rehabilitation Assistance scheme, however the post which was offered to the mother of the Petitioner refused to accept the same on the health ground. Further he approached the authority to give the job to the present Petitioner, who is her son. Accordingly the Petitioner applied for appointment under Rehabilitation Assistance Scheme along with requisite documents filed by the applicant.

5. It is submitted by the learned counsel for the Petitioner that the District Education Officer, Nayagarh vide its letter dated 17.12.2019 has accepted the said proposal for appointment under Rehabilitation Assistance Scheme and asked the mother of the Petitioner to submit a fresh proposal. Accordingly fresh proposal was submitted. Further several years have been elapsed in the meantime. No decision has been taken and the Petitioner has not been given appointment under the Rehabilitation Assistance (Amendment) Rule.

6. Learned Additional Standing Counsel on the other hand submits that the application submitted by the Petitioner is pending before the authority for consideration. Therefore, let the District Education Officer, Nayagarh, who is the competent authority be directed to consider the representation of the Petitioner under Rehabilitation Assistance (Amendment) Rule prevalent at the time of death of the father of the Petitioner as the same is applicable to the case of the Petitioner in view of the judgment of the Hon'ble Supreme Court in the matter of *State of Madhya Pradesh-v.-Ashish*

Awasthi, 2021(II) OLR (SC) 1072_and take a decision in the matter within a stipulated period of time.

7. Considering the aforesaid submissions of the respective parties, keeping in view the limited nature of grievance this Court thinks it proper to dispose of the matter by directing the District Education Officer, Nayagarh, Opposite Party No..3 to consider the pending application of the Petitioner for appointment under the Rehabilitation Assistance Scheme and dispose of the same within a period of three months from the date of production of certified copy of this order. The decision so taken shall be communicated to the Petitioner within two weeks thereafter.

8. With the aforesaid observation the writ application stands disposed of.

9. Issue urgent certified copy of this order as per Rules.

RKS

