

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.10721 of 2022

Bishnupriya Sethy

....

Petitioners

Mr.Umakanta Sahoo, Advocate

-versus-

State of Odisha and others

....

Opposite Parties

Mr.Y.S.P.Babu, A.G.A.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

06.05.2022

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 Government Advocate.
3. The present writ application has been filed by the Petitioner with the following prayer:

“ In the above facts and circumstances this lady Petitioner therefore humbly prays that Your Lordships may graciously be pleased to issue a writ of mandamus or a writ in the nature of Mandamus or any other appropriate Writ/Order/Direction commanding to the Opposite Party No.3 to appoint this Petitioner regulating recruitment to the Group-D post as a measure of rehabilitation assistance in accordance with the Odisha Civil Services (Rehabilitation Assistance) Rules 2020 within a time limit as the Hon’ble Court deems fit and proper in the interest of justice;

And such other relief or reliefs as this Hon’ble High Court deems just and proper in the facts and circumstances of the case may also be granted.”

4. It is submitted by the learned counsel for the Petitioner that the husband of the Petitioner died in harness on 16.05.2019. Thereafter the Petitioner, who is the wife of the deceased employee applied for appointment under Rehabilitation Assistance Scheme under the new Rule i.e. Odisha Civil Service (Rehabilitation Assistance) Rules, 2020. The application of the Petitioner was considered and she was found that she obtained 66% on evaluation. Therefore, the learned counsel for the Petitioner submits that the Petitioner has secured more than the cut-off mark. Accordingly she is eligible to be appointed. It is further submitted by the learned counsel for the Petitioner that the Commandant (6th Battalion), Cuttack has also recommended the case of the Petitioner for appointment under Rehabilitation Assistance Scheme to the A.I.G. of Police (Personnel), Odisha, Cuttack by his letter dated 19.07.2021. However, no decision has been taken on such recommendation as of now.

5. Learned Additional Government Advocate on the other hand submits that that the application of the Petitioner has been verified under new Rule and she secured 66% and her case has been recommended to A.I.G. of Police (Personnel) and the matter is pending with the AIG (Personnel), Cuttack, let a direction be issued to the Director General of Police, Opposite Party No.3 to consider the case of the Petitioner strictly in accordance with Odisha Civil Service (Rehabilitation Assistance) Rules, 2020 and shall take a decision in accordance with law within a stipulated period of time.

6. Having heard rival contentions and taking into consideration the nature of grievance, this writ application is disposed of with a direction to the Opposite Party No.3 to take a decision on the recommendation of the Commandant, OSAP 6th Bn, Cuttack to the

A.I.G. of Police (Personnel), Odisha, Cuttack vide letter dated 19.07.2021 under Annexure-5 within a period of two months from the date of production of certified copy of this order.. Further as it appears that the Petitioner has secured 66% she is eligible to be appointed under the new Rule as she has got cut-off mark. The Opposite Party No.3 shall do well to give suitable appointment to the Petitioner befitting her qualification within a period of two months from the date of the decision.

7. With the aforesaid observation, the writ application stands disposed of.

8. Issue urgent certified copy as per Rules.

RKS

