

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.12061 of 2022

Arun Kumar Lenka

....

Petitioner

Mr. A.K. Pandey, Advocate

-versus-

State of Odisha and others

....

Opposite Parties

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

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

27.06.2022

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 counsel for the State.
3. The present writ petition has been filed by the petitioner with following prayers:-

“The petitioner therefore, humbly prays that this Hon’ble Court may graciously be pleased to admit the writ application, issue a Rule NISI calling upon the opposite parties to show cause and as to why the representation of the petitioner under Annexure-4 shall not be considered and as to why the petitioner shall not be appointed under the Rehabilitation Assistants Scheme, if the opposite parties failed to show cause or shown any insufficient cause the rule may be made absolute against the opposite parties.

AND

May pass any other appropriate direction(s)/order(s) as this Hon’ble Court considers may deem just and proper.”

4. The petitioner has filed this writ petition seeking a direction to the Opposite Parties to consider the grievance for engagement under

Rehabilitation Scheme as per the provisions of Orissa Civil Service Rehabilitation Assistance Rules, 1990 and the Amended Rules, 2016.

5. In course of hearing, learned counsel for the petitioner stated that highlighting the grievances, the petitioner has made representation dated 25.03.2022 to the Opposite Party No.4 under Annexure-4 and the same may be directed to be considered keeping in view the ratio decided by the Apex Court in ***State of Madhya Pradesh vrs. Ashish Awasthi*** : 2021 (II) OLR (SC) 1072 and in the case of ***Secretary to Govt. Department of Education (Primary) & Ors. vrs. Bheemsh Alias Bheemapa*** (Civil Appeal No.7752 of 2021).

6. Considering the limited grievance of the petitioner, this Court without expressing any opinion on the merits of the case, disposes of the writ petition directing the Opposite Party No.4 to consider the representation dated 25.03.2022 filed by the petitioner under Annexure-4 and pass appropriate order in accordance with law keeping view the ration decided by the Apex Court in ***Ashish Awasthi***(supra) and ***Bheemsh Alias Bheemapa*** (supra) within a period of three months from the date of production of certified copy of this order.

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

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

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