

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.12156 of 2022

Khirod Kumar Das

....

Petitioner

-versus-

State of Odisha & Others

....

Opposite Parties

COROM:

JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

19.05.2022

Order No

1. 1. This matter is taken up through Hybrid Mode.
2. 2. Heard learned counsel for the Petitioner and learned Standing Counsel for School and Mass Education Department.
3. 3. The present writ petition has been filed by the Petitioner challenging the impugned rejection order dated 14.03.2022 issued by the Superintending Engineer, Mahanadi South Division, 1 under Annexure-6 wherein the Opposite Party No.3 has rejected the application of the Petitioner for Rehabilitation Assistance Scheme. It is submitted by learned counsel for the Petitioner that the father of the Petitioner died on 01.01.2016 and is covered under the OCS(RA) Rules, 1990. It is submitted by learned counsel for the Petitioner that although the application had been submitted by the Petitioner i.e. on 18.11.2016, the Authority sat over the matter for years together and finally by virtue of the impugned order under Annexure-6, the same came to the light.
4. 4. Learned Standing Counsel for Department submits that let the Authority be directed to consider the case of the Petitioner

in the light of the judgment delivered by the Hon'ble Supreme Court of India in the case of ***The State of Madhya Pradesh & others vs. Ashish Awasthi (Civil Appeal No.6903 of 2010, decided on 18.11.2021)*** and in the case of ***Canara Bank and another vs. M. Mahesh Kumar***, reported in ***(2015) 7 SCC 412***.

5. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this Court observes that the order dated 14.03.2022 under Annexure-6 is not sustainable in law and therefore the same is hereby quashed. The matter is remitted back to the Engineer-in-Chief, Water Resources, Odisha, Bhubaneswar, (Opposite Party No.2) to consider the entire issue in the light of the judgment of the Hon'ble Supreme Court along with as well as of this Court as referred to hereinabove within a period of two months from today. In the event the Petitioner is found eligible to be appointed, the Petitioner may be appointed within two months thereafter under the Rehabilitation Assistance Scheme as per the OCS (RA) Rules, 1990.

6. With the above direction, the Writ Petition stands disposed of.

7. Issue urgent certified copy as per rules.

(Biraja Prasanna Satapathy)
Judge