

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.12506 of 2022

Md. Murteza

....

Petitioner

-versus-

State of Odisha & Others

....

Opposite Parties

COROM:

JUSTICE BIRAJA PRASANNA SATAPATHY

Order No

ORDER
19.05.2022

1. 1. This matter is taken up through Hybrid Mode.
2. Heard learned counsel for Petitioner and learned counsel for the State-Opposite Parties.
3. The present Writ Petition has been filed with the following prayer:-

“1. Further be pleased to issue writ of Certiorari or any other appropriate writ(s) to quash the Rejection Order No.01 dtd. 28.10.2021 of the O.P. No.2, the Collector, Jajpur And

2. Further be pleased to issue Writ of Mandamus or any other appropriate writ (s) to direct the O.P. No.1 to direct the O.P. No.2 to absorb the Petitioner in the existing vacancy of Class-IV posts in the office of the B.D.O., Korai or in any other Class-IV vacancy under the jurisdiction of the Collector, Jajpur as Sri Sridhar Sahoo was appointed as Peon vide Order No.3038 dtd.08.11.2021 of the O.P. No.2, the Collector, Jajpur with all service and financial benefits for his regularization as Peon having completing more than 28 years in view of Para-44 of the Supreme Court judgment dtd. 10.04.2006 in Secy., State of Karnatak & Others vrs. Uma Devi & Others reported in AIR-2006 SC-1806 and Judgment in State of

Karnatak & Others vrs. M.L.Keshari reported in AIR 2010 SC 2587-, Amar Kanti Rai vrs. State of Bihar & Others (2015) 8 SCC 265 and others as well as Judgment dtd. 16.07.2019 & dtd. 24.03.2021 respectively of Hon'ble High Court in W.P.(C) No.3921 of 2006 and W.P.(C) No.10309 of 2021 And

(iii) Further be pleased to direct the O.P. No.1 and 3 to regularize the service of the Petitioner with effect from his initial appointment dated 08.12.1994 with all serve benefits”.

4. He further submits that through highlighting his grievances, the petitioner has filed a representation on 06.12.2021 at Annexure-22 to the Writ Petition, before the opposite party No.1 but till date nothing has been done in the matter. In such background, he prays that a direction be issued to opposite party No.1 to take a decision on the above noted petition within a specific time period.

5. Considering the submissions made and without expressing any opinion on the merits of the case, this Court directs opposite party No.1 to take a decision on the above noted petition in accordance with law and also taking into account the order passed under Annexures-15 & 16 within a period of three months from the date of production of certified copy of this order and communicate the result of such exercise to the petitioner.

6. With the aforesaid observation and direction, the Writ Petition is disposed of.

(Biraja Prasanna Satapathy)
Judge