

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.13553 of 2022

Santosh Kumar Pattnaik

.... ***Petitioner***
Mr. G. Sethi, Advocate

-versus-

State of Odisha and others

.... ***Opposite Parties***
Mr. Y.S.P. Babu, A.G.A.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER
20.06.2022

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. Perused the record.
3. The present writ petition has been filed by the petitioner with the following prayers:
- “It is therefore humbly prayed that this Hon’ble Court may graciously be pleased to admit the case, call for the records and after hearing both the parties pass the following reliefs;
- i) To direct the Opposite Parties to appoint the petitioner in accordance with the provisions made under OCS (Rehabilitation Assistance) Rules, 1990.
- And pass such other order/orders, direction/directions as deem fit and proper.”
4. It is submitted by learned counsel for the petitioner that although the petitioner has filed representation dated 10.01.2022 under Annexure-11 before the Principal Secretary, Rural Development

Department, Odisha, Bhubaneswar-Opposite Party No.1 for appointment under Rehabilitation Assistance Scheme, the same is still pending before the said Opposite party and the said Opposite Party has not taken any decision as of now. Being aggrieved by such inaction, the petitioner has approached this Court by filing the present writ petition.

5. Learned counsel for the State submits that while the petitioner submitted Form-IV, the case of the petitioner under Rehabilitation Assistance Scheme could not be considered because the Legal Heir Certificate does not show the number and the year of Misc. Certificate decided by the Additional Tahasildar, Nayagarh in favour of the petitioner.

6. In reply, learned counsel for the petitioner submits that relying upon the letter dated 11.12.2015 written by the Tahasildar, Nayagarh to the Deputy Secretary to Government of Odisha, Department of Rural Development to the report submitted by the local R.I. confirms that the petitioner is a legal heir of the deceased. Further the said letter reveal as follows:-

“Due to absence of number of legal heir certificate annexed in the letter under reference, it couldn't be traced out in the Office. So the Xerox copy of the same case record could not be supplied.”

7. Considering the aforesaid submissions made by the respective parties and taking into materials available on record and further considering the limited nature of grievance of the petitioner, this Court disposes of the writ petition with a direction to the Tahasildar, Nayagarh-Opposite Party No.5 to trace out the case record and provide the details of the Misc. Certificate Case to the Opposite Party No.2 office from the date of production of certified copy of this order. Further in the event the record of Misc. Certificate case is not traceable, a fresh proceeding be initiated and a fresh Legal Heir

Certificate be issued in favour of the petitioner and the same be communicated to the office of the Opposite Party No.1 within one month.

Further Opposite Party No.1 is directed to consider the case of the petitioner within a period of two months from the date of getting information from the office of the Tahasildar, Nayagarh as directed hereinabove and strictly in accordance with the provisions of the Odisha Rehabilitation Assistance Rules, 1990.

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

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

Jagabandhu

