

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.14107 of 2022

Sarilata Nayak and another

..... Petitioners
Mr. S.K. Ojha, Advocate

-versus-

State of Odisha and others

..... Opposite Parties
Mr. M.K. Mohanty, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

23.06.2022

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the petitioners as well as learned counsel for the State.
3. The present writ petition has been filed by the petitioners with following prayers:-
- “Under the facts and circumstances stated above, it is most humbly and respectfully prayed that the Hon’ble Court may graciously be pleased to issue the rule NISI calling upon the Opp.Parties to show cause as to why the writ in the nature of Certiorari shall not be issued quashing the letter dated 24.07.2020(Annex.8) and further writ in the nature of Mandamus shall not be issued directing them to appoint the petitioner against recommend post of Junior Clerk on regular basis as per the Rules, 1990 of OCS (RA) Scheme.
- If the Opp.Parties failed to show any cause to show insufficient cause, rule may be made absolute.
- And further be pleased to pass any other order/orders as deemed fit and proper.”
4. The petitioners have 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 petitioners stated that highlighting the grievances, the petitioners has made representations to the Opposite Party No.4 under Annexure-9 series 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 petitioners, 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 representations filed by the petitioner under Annexure-9 series 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

