

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.17010 of 2022

Tapaspini Rana

....

Petitioner

-versus-

State of Odisha & Ors.

....

Opposite Parties

CORAM:

JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

22.07.2022

Order No

01.

1. This matter is taken up through Hybrid Arrangement (Virtual/Physical) Mode.

2. Heard Mr. K.C. Sahu, learned counsel for the Petitioner and learned State counsel for the Opp. Parties.

3. The Petitioner has filed this writ Petition seeking a direction to the Opposite Parties for proving appointment to the Petitioner in any post in commensuration with her qualification under the R.A. Scheme as per the prevailing existing provisions/Rules on the date of submission of application form by the Petitioner so also death of the father of the Petitioner by applying the provisions of O.C.S.(R.A.) Rules, 1990 keeping in view the settled position of law laid down by the Hon'ble Apex Court in the case of *State of Madhya Pradesh & others Vrs. Asish Awasthi in 2021(II) OLR (SC) 1072* so also in the case of *the Secretary to Government Department of Education (Primary) & others v. Bheemesh Alias Bheemapaa in Civil Appeal No. 7752/2021 (arising out of SLP(C) No.1564 of 2021 dated 16.12.2021*.

4. Looking to the date of death of the deceased on 22.12.2019 involving whose appointment under the Rehabilitation Assistance Scheme is sought and the date of application for appointment under the Rehabilitation Assistance Scheme, this Court therefore directs the Opposite Party No. 3 to consider the case of the Petitioner for appointment under the Rehabilitation Assistance Scheme in terms of the provisions of Orissa Civil Services (Rehabilitation Assistance Rules, 1990, in view of the recent decision of the apex Court in the case of Asish Awasthi (supra) and in the case of the *Secretary to Government Department of Education (Primary) & others v. Bheemesh Alias Bheemapaa in (Civil Appeal No. 7752/2021)*.

5. The entire exercise shall be completed within a period of three months from the date of communication/production of certificate/authenticated copy of this order by the Petitioner.

6. With the aforesaid observation and direction the writ Petition stands disposed of.

7. Issue urgent certified copy as per Rules.

(Biraja Prasanna Satapathy)
Judge

Sneha