

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.17530 OF 2022

Rabi Narayan Barik

.....

Petitioner

Mr. D.P. Dash, Advocate

Vs.

State of Odisha & Ors.

.....

Opposite parties

State Counsel

CORAM:

DR. JUSTICE B.R. SARANGI

ORDER

05.12.2022

Order No.

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This matter is taken up by hybrid mode.

2. Heard Mr. D. P. Dash, learned counsel for the petitioner and learned Additional Government Advocate appearing for the State-opposite parties.

3. The petitioner has filed this writ petition to quash the letter/order dated 21.05.2022 passed by opposite party no.3 rejecting his application for giving appointment under Rehabilitation Assistance Scheme to the family member of deceased employee.

4. Mr. D.P. Dash, learned counsel for the petitioner states that inadvertently the petitioner had not brought to the notice of the authority concerned with regard to the judgment of this Court passed in ***Ritanjali Giri @ Paul Vrs. State of Odisha (School and M.E. Deptt.) & Ors***, 2016(I) ILR-CUT-1162. Had the petitioner brought the aforesaid judgment to the notice of the authority concerned, then the order impugned could have passed differently. Therefore, learned counsel for the petitioner states that liberty may be granted to the petitioner to file a fresh representation before the authority bringing to his notice with regard to the judgment passed by this Court in ***Ritanjali Giri @ Paul*** (supra) so that the authority shall apply his mind and pass appropriate order in accordance with law.

5. Learned Additional Government Advocate appearing for

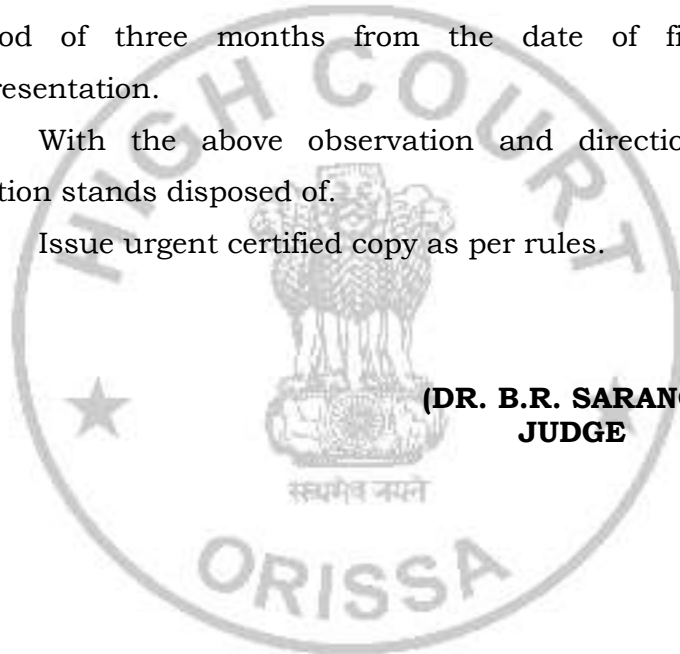
State-opposite parties contended that in the event the petitioner files fresh representation annexing the judgment passed by this Court in **Ritanjali Giri @ Paul** (supra), the authority shall consider the same and pass appropriate order in the light of judgment **Ritanjali Giri @ Paul** (supra).

6. In view of the above submission, the order dated 21.05.2022 passed by opposite party no.3 is quashed. However, liberty is granted to the petitioner to file a fresh representation along with the copy of the certified copy of the order annexing the judgment passed by this court in **Ritanjali Giri @ Paul** (supra) before the authority ventilating his grievance within a period of fifteen days from today. On such event the authority shall consider the representation after affording reasonable opportunity of hearing to the petitioner and all parties concerned and take a decision in accordance with law within a period of three months from the date of filing of the representation.

7. With the above observation and direction, the writ petition stands disposed of.

8. Issue urgent certified copy as per rules.

Alok



(DR. B.R. SARANGI)
JUDGE