

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 21357 of 2022

Jitendra Behera

....

Petitioner

-versus-

State of Odisha & Ors.

....

Opposite Parties

CORAM:

JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

29.08.2022

Order No

- 01.** 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical) Mode.
2. Heard learned counsel for the Petitioner and learned counsel for the Opposite Parties.
3. The Petitioner has filed the present Writ Petition with the following prayer:-

“Under the aforesaid facts and circumstances of the case, it is therefore prayed that your Lordship's may gracious and kind enough to issue a rule nisi calling upon the Opp. Parties as to why the petitioner shall not be regularized on the post of Chainman. If the Opp. Parties fail to show cause or show in sufficient cause made the rule absolute,

And further be pleased to direct the Opposite Parties to regularize the service of the petitioner as Chainaman under the establishment of Opp. Party No.4 as per Resolution dated 17.09.2013 and by taking into account the regularization orders issued in favour of similar situated persons under Annexure-8;

And further be pleased to pass any other appropriate writ/writs, order/orders and direction/directions as would be deem fit and proper;

And for the said act of kindness, the petitioner as in duty bound shall ever pray.”

4. However, taking into account the claim raised in the present Writ Petition, liberty is granted to the Petitioner to make a fresh representation before Opp. Party No.1 by enclosing all the relevant documents and citations in support of his claim, if any, within a period of three weeks hence.

5. It is observed that if such a representation is filed within the aforesaid period, Opp. Party No.1 shall do well to take a lawful decision on the same and taking into account the order passed by the Hon'ble Apex Court in the case of *Secretary, State of Karnataka vs. Uma Devi (3), (2006) 4 SCC-1, State of Karnatak vs. M.L. Keshari, (2010) 9 SCC 247, Nihal Singh & Others vs. State of Punjab & Others, 2013 (14) SCC 65* and *Amarkant Rai vs. State of Bihar & Others, 2015 (8) SCC 265* within a period of three (3) months from the date of receipt of such representation. The order so passed by the Opp. Party No.1 be communicated to the Petitioners.

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

(Biraja Prasanna Satapathy)
Judge

Sneha