

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC (OAC) No. 2593 of 2009

Shyam Sundar Patnaik

.....

Petitioner

Mr. C.R. Swain, Advocate

Vs.

State of Odisha and others

.....

Opposite parties

State Counsel

CORAM:

DR. JUSTICE B.R. SARANGI

ORDER

24.01.2022

Order No.

01

This matter is taken up by video conferencing mode.

2. The petitioner has filed this writ petition seeking to hold that the order dated 28.02.2009 vide Annexure-6 has no retrospective effect and the vacancies caused prior to 28.02.2009 are to be filled up in consonance with Orissa Finance Service (Recruitments) Rules, 1979, and further seeks direction to the opposite parties to fill up 47 nos. of posts in OFS-II cadre which was existing prior to 28.02.2009 by way of promotion of applicant following post to post reservation/replacement theory guideline of the apex Court.

3. In course of hearing, learned counsel for the petitioner states that the case of the petitioner is squarely covered by the judgment of this Court in the case of *Muktiranjan Acharya v. State of Orissa*, 2012 (II) OLR 61 and, therefore, the petitioner may be permitted to file a fresh representation before the opposite party no.1 highlighting the grievances and direction may be given to consider the same within a stipulated time taking into consideration the aforesaid

judgment, to which learned State Counsel has raised no objection.

4. As agreed by learned counsel for the parties, without expressing any opinion on the merits of the case, this writ petition stands disposed of with the direction that in case the petitioner, with regard to the grievance made in this petition, files a fresh comprehensive representation before the opposite party no.1 within ten days hence, the same shall be considered by the said authority taking into consideration the judgment of this Court in the case of *Muktiranjan Acharya* (supra), and pass a reasoned and speaking order as expeditiously as possible, preferably within a period of three months from the date of receipt of such representation along with the certified/authenticated copy of this order.

As the restrictions due to resurgence of COVID-19 situation are continuing, learned counsel for the parties may utilize a print out of the order available in the High Court's website, at par with certified copy, subject to attestation by the concerned advocate, in the manner prescribed, vide Court's Notice No.4587 dated 25th March, 2020, as modified by Court's notice no. 4798 dated 15th April, 2021, and Court's Office Order circulated vide Memo Nos.514 and 515 dated 7th January, 2022.

Ashok

(Dr. B.R. Sarangi)
Judge