

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC (OAC) No. 1319 of 2009

*Nabakishore Biswal*

.....

*Petitioner*

*Mr. P.K. Mohapatra, Advocate*

Vs.

*State of Odisha and others*

.....

*Opposite parties*

*State Counsel*

**CORAM:**

**DR. JUSTICE B.R. SARANGI**

**ORDER**

**31.01.2022**

**Order No.**

01

This matter is taken up through video conferencing mode.

2. The petitioner has filed this writ petition seeking direction to the opposite parties to give appointment to a regular post against the existing vacancy in the light of the benefits granted to one Kailash Chandra Nayak.

3. In course of hearing, learned counsel for the petitioner states that the petitioner may be permitted to file a fresh representation before opposite party no.1 highlighting the grievances and direction may be given to consider the same taking into consideration the ratio decided in the case of *Secretary State of Karnataka v. Umadevi (3)*, 2006(4) SCC 1, *State of Karnataka and others v. M.L.Keshari and others*, 2010(II) OLR (SC) 982, and *Amarkanti Rai v. State of Bihar and others*, (2015) 8 SCC 265, within a stipulated time, to which learned counsel for the State has no objection.

4. As agreed to by learned counsel for the parties, however, 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 opposite party no.1, within fifteen days hence, the said authority shall consider the same and pass a reasoned and speaking order, taking into

consideration the ratio decided by this Court in the case of *Umadevi (3), M.L.Keshari and Amarkanti Rai (supra)*, 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.

5. 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 25<sup>th</sup> March, 2020, as modified by Court's Notice No. 4798 dated 15<sup>th</sup> April, 2021, and Court's Office Order circulated vide Memo Nos.514 and 515 dated 7<sup>th</sup> January, 2022.

*Arun*

**(DR. B.R. SARANGI)**  
**JUDGE**

