

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC (OAC) No. 677 of 2009

Bijaya Kumar Parichha

.....

Petitioner

Mr. D.N. Rath, Advocate

-Versus -

State of Odisha & Others

....

Opposite Parties

State Counsel

CORAM:

DR. JUSTICE B.R. SARANGI

ORDER

19.01.2022

Order No.

01

This matter is taken up through video conferencing mode.

2. Heard Mr. D.N. Rath, learned counsel for the petitioner.

3. The petitioner has filed this writ petition seeking direction to opposite parties to regularize the service of the petitioner pursuant to the communication made by opposite party no.1 vide Annexure-8 to the writ petition..

4. Learned counsel for the petitioner, however referring to paragraph-5 of the counter affidavit contended that the opposite parties have admitted that the petitioner is continuing against one of the vacant post. He further contended that highlighting the grievances, the petitioner has made a representation to opposite party No.3 vide Annexure-9 and the same may be directed to be considered within a stipulated time, 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, to which learned counsel for the State has no objection.

5. As agreed to by learned counsel for the parties, this Court, without expressing any opinion on the merits of the case, disposes of the writ petition directing opposite party No.3 to consider the representation filed by the petitioner vide Annexure-9, taking into consideration the pleadings available on record and also 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, and pass appropriate order in accordance with law within a period of three months from the date of production of certified/authenticated copy this order.

6. 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.

Arun

(Dr. B.R. Sarangi)
Judge