

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.25373 of 2022

Sudhansu Behera

.... Petitioner

-versus-

State of Odisha & Others

.... Opposite Parties

**COROM:
JUSTICE BIRAJA PRASANNA SATAPATHY**

**ORDER
30.09.2022**

Order No

02. 1. This matter is taken up through Hybrid Mode.

2. Heard Mr. L.P.Dwivedy, learned counsel for the Petitioner and Mr. Y.S.P.Babu, learned Addl. Government Advocate for the State- Opposite Parties.

3. Learned counsel for the Petitioner submitted that the Petitioner claiming himself as belonging to S.C category submitted a representation before the Opposite Party No.2, challenging the illegal selection of contractual Helper pursuant to advertisement issued on 21.02.2019. As the said representation submitted on 18.01.2021 was not considered, the Petitioner approached this Court in W.P.(C) No.16138 of 2022 and this Court directed the Opposite Party No.2 to take a decision on the said representation dated 18.01.2021.

4. Learned counsel for the Petitioner also submitted that on receipt of the order, the Opposite Party No.2 had passed the impugned order on 26.08.2022 under Annexure-6 by rejecting the claim of the Petitioner. But it is submitted by the learned counsel for the Petitioner that the Petitioner though belongs to S.E.B.C category but in the

representation which was directed to be considered by this Court, he wrongly mentioned himself belong to S.C category instead of S.E.B.C category and accordingly his claim has not been properly appreciated and considered by the said Opposite Party.

5. Mr. Dwivedy, learned counsel for the Petitioner accordingly submitted he may be given liberty to make a fresh representation before the Opposite Party No.2 by indicating his category as S.E.B.C and consideration thereof by the said Opposite Party No.2.

6. Mr. Babu, learned Addl. Government Advocate for the State has got no serious objection to such proposition of Mr. Dwivedy.

7. In view of that, this Court while disposing the Writ Petition permits the Petitioner to make a fresh representation before the Opposite Party No.2 by indicating his caste as well as his physical disability within a period of two weeks from today. It is observed that on receipt of such representation, Opposite Party No.2 shall take a fresh decision in the matter without being influenced by his earlier order passed on 26.08.2022 under Annexure-6. The said exercise shall be completed within a period of two months from the date of receipt of such representation.

8. With the aforesaid observations and directions, the Writ Petition is disposed of.

(Biraja Prasanna Satapathy)
Judge