

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.26662 of 2022

Santosh Kumar Kar

....

Petitioner

-versus-

State of Odisha & Ors.

....

Opposite Parties

CORAM:

JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

21.10.2022

Order No

02.

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:-

"It is therefore prayed that under the above mentioned facts and circumstances of the case, this Hon'ble Court may graciously be pleased to issue notice to why this case shall not be allowed and the opp. Parties shall not be directed to regularize the service of the Petitioner as casual Helpers or against any Class-IV post w.e.f. the date of initial appointment within a stipulated period.

And further prays for a direction from this Hon'ble Court to the Opp. Parties to grant all consequential and service benefits.

And further direct the Opp. Parties to regularize the service of the Petitioner on the light of the decision of the Hon'ble Apex Court in the case of Secretary, State of Karnataka Vrs. Uma devi, reported in AIR 2006, Supreme Court, 1806 and decision of Hon'ble Apex Court in State of Karnataka and other Vrs. M.L. Keshari and Others (AIR 2010 SC 2587: 2010 AIR SCW 4577) And Amarkanti Ray Vrs. State of Bihar (Civil Appeal No-2835 of 2015).

And pass any other order/orders, as may be deemed fit and proper in the facts and circumstances of the case.

And for this act of kindness the petitioner shall as in duty bound 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.2 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.2 shall do well to take a lawful decision on the same within a period of three (3) months from the date of receipt of such representation. The order so passed by the Opp. Party No.2 be communicated to the petitioner.

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

Sneha

(Biraja Prasanna Satapathy)
Judge