

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C)(OAC) No.3827 of 2015

Sadyasmita Mohapatra

....

Petitioner

-versus-

State of Odisha & Ors.

....

Opposite Parties

CORAM:

JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

08.07.2022

Order No

01.

1. This matter is taken up through Hybrid Arrangement (Virtual/Physical) Mode.

2. Heard Mr. Mohanty, learned counsel for the Petitioner and Mr. Prusty, learned counsel for the State.

3. The Petitioner is aggrieved by the order dtd.19.12.2013 passed by the Director, Elementary Education under Annexure-6 series, wherein her claim for appointment under the provision of Rehabilitation Assistance Scheme has been rejected on the ground that she is the married daughter of the deceased employee.

4. Mr. Mohanty, learned counsel for the Petitioner submitted that while rejecting such claim as made by the Petitioner the Authority concerned has not taken into consideration a decision of this Court reported in 1998 (II) OLR 452. Accordingly, Mr. Mohanty prayed for interference of this Court.

5. On the other hand Mr. Prusty submitted that under the provision of OCS (R.A) Rules, 1990 family does not consist of a married daughter. Therefore, the Authority has not committed any illegality and irregularity in rejecting the claim of the Petitioner vide order dtd.19.12.2013.

6. Heard learned counsel for the Parties. It is not disputed that the Petitioner is the married daughter of the deceased employee and he is not coming within the definition of family as provided under the said Rules. But in view of the decision relied on by Mr. Mohanty, this Court while setting aside the order dtd.19.12.2013, directs the concerned Authority to re-examine the matter taking into account the provision contained under Rule -16 of the said Rules. The entire exercise shall be completed within a period of three (3) months from the date of receipt of this Order. It is observed that this Court has not expressed any opinion on the merits of this case.

7. The writ Petition is disposed of accordingly.

(Biraja Prasanna Satapathy)
Judge

Sneha