

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC (OAC) No. 3758 of 2013

Gitanjali Barik

.....

Petitioner

Mr. L. Bhuyan, Advocate

Vs.

State of Orissa and another

.....

Opposite Parties

Mr. N. Jena, SC, S&ME Department

CORAM:

DR. JUSTICE B.R. SARANGI

ORDER

21.09.2022

Order No.

05.

This matter is taken up through hybrid mode.

2. Heard.

3. The petitioner has filed this Writ Petition seeking to quash the order dated 22.11.2012 under Annexure-5 and to issue direction to give her appointment under Rehabilitation Assistance Scheme.

4. Learned Counsel for the Petitioner contended that the vires of Rule-2 (b)(iii) of the OCS (R&A) Rules, 1990 and Rule-2 (1)(d)(iii) of the OCS (R&A) Rules, 2020 were the matter of challenge before the division Bench of this Court in the case of *Kshirabadi Bala Behera v Orissa Administrative Tribunal* (W.P.(C) No. 14945 of 2015 decided on 24.08.2022), wherein this Court struck down the word 'unmarried' as prescribed in Rules 1990 and Rules 2020 and declared that refusal to grant benefit to married daughter for consideration of compassionate appointment is void and inoperative.

5. Mr. N. Jena, learned Standing Counsel for S&ME Department does not dispute such position of law.

6. In view of the above, this Court sets aside order dated 22.11.2012 under Annexure-5 with regard to the rejection of the claim of the petitioner for issuance of Distress Certificate under Rehabilitation Assistance Scheme and remits the matter back to the District Education

Officer, Keonjhar to process the application of the petitioner in terms of the ratio decided in the case of ***Kshirabadi Bala Behera*** (supra), as early as possible.

7. The writ petition is accordingly disposed of.

Arun

(DR. B.R. SARANGI, J.)

