

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) (OAC) No.1515 of 2011

Chandrai Majhi

....

Petitioner

-versus-

State of Odisha & Others

....

Opposite Parties

COROM:

JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

14.10.2022

Order No

2.

1. This matter is taken up through Hybrid Mode.

2. Heard Mr. B.K.Sharma, learned counsel for Petitioner and Mr. M.K.Balabantaray, learned Standing Counsel for the State-Opposite Parties.

3. The present Writ Petition has been filed with the following prayer:-

“(i) to quash / set aside the communication dtd. 10.11.2010 under Annexure-2 issued by respondent no.1 and

(ii) to direct the respondents to give employment to the applicant under Rehabilitation Assistance Scheme of O.C.S (Rehabilitation Assistance) Rules, 1990”.

4. Learned counsel for the Petitioner submitted that the Opposite Party No.1 without causing any enquiry and without following the relevant guidelines governing the field with regard to issuance of distress certificate, rejected the said claim vide the impugned order communicated on 11.11.2010 under Annexure-2.

5. Mr. Balabantaray, learned Standing Counsel for the State on the other hand submitted that since the Petitioner has not

filed any registered partition deed showing his separation from other family members, the Opposite Party No.2 after due consideration has passed the impugned order and no interference is called for. This Court after going through the impugned order finds that no justifiable reason has been assigned by the Opposite Party No.1 while refusing to issue the district certificate in favour of the Petitioner. Opposite Party No.1 has also not followed the guidelines governing in the field in that regard.

6. In view of that, this Court is inclined to quash the said order under Annexure-2 and while quashing the same directs the Opposite Party No.1 to take a fresh decision by giving personal hearing to the Petitioner. Such fresh decision shall be taken within a period of one month from the date of receipt of this order. Petitioner is directed to produce copy of this order before the Opposite Party No.1 within a period of seven days from the date of receipt of this order.

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

(Biraja Prasanna Satapathy)
Judge

Subrat