

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.31257 of 2022

Pratyasha Parimita Acharya

.... Petitioner
Mr. N. Biswal, Advocate

-versus-

State of Odisha & another

.... Opp. Parties
Mr. T.K. Pattnaik, ASC

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

23.11.2022

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner as well as learned counsel for the State-Opposite Parties.
3. The present writ petition has been filed by the Petitioner with the following prayers:

“It is therefore, most humbly prayed that this Hon’ble Court be graciously pleased to:

- i) Admit the writ application.*
- ii) Call for the record.*
- iii) Issue a writ of mandamus or any other appropriate writ(s), direction(s), directing the opposite parties, particularly Opp. Party No.2 to 4 to give appointment order in favour of the petitioner against the vacant Group-C post as per Rule-5 of the Orissa Civil Service (Rehabilitation Assistance) Rules, 1990 in place of her late mother Soudamini Devi, by taking into consideration the Government letter dated 09.12.2019 and Collector, Angul letter dated 28.10.2021 under Annexure-13 and 17 respectively without any further delay, keeping in view the law laid down by the Hon’ble Apex*

court in the case of Malaya Nanda Sethy -Vrs.- State of Odisha & others, reported in 2022 (II) OLR (SC) page-1, and further the petitioner may be extended with all other consequential service benefits as due and admissible within a reasonable time to be stipulated by this Hon'ble court;

iv) *And or pass any such other order/orders or direction/directions may be issued so as to give complete relief to the petitioner."*

4. It is submitted by the learned counsel for the Petitioner that after the mother of the Petitioner died on 08.10.2011, the Petitioner applied for a job on compassionate ground under the Orissa Civil Service (Rehabilitation Assistance) Rules, 1990. However, the same is kept pending for a decade. It is further contended that the Additional Secretary to Government of Department of Women & Child Development and Mission Shakti vide his letter dated 09.12.2019 has already recommended the Collector, Angul to take appropriate action for appointment of the Petitioner as per Rule-5 of Orissa Civil Service (Rehabilitation Assistance) Rules, 1990 and amended rules of G.A. Department vide Notification No.23345 dated 05.11.2016. Despite such recommendation of the Government, the Collector, Angul has not taken any action.

5. Learned Additional Standing Counsel appearing for the State- Opposite Parties, on the other hand, submits that since the matter is pending before the competent authority, a direction be issued to the competent authority to take a decision in the matter in accordance with law.

6. At this juncture, learned counsel for the Petitioner draws the attention of this Court to the judgment of the Hon'ble Supreme Court in the case of ***Malaya Nanda Sethy -Vrs.- State of Odisha & others,***

reported in 2022 (II) OLR (SC) page-1.

7. Having heard the learned counsel for the respective parties, this Court disposes of the writ petition at the stage of admission by directing the Opposite Party No.3-Collector-cum-District Magistrate, Angul to consider the application of the Petitioner within a period of two months from the date of production of certified copy of this order in accordance with law. Further, the Opposite Party No.3 is directed to consider the case of the Petitioner keeping in view the decision of the Government under Annexure-13 as well as the law laid down by the Hon'ble Supreme Court in the case of *Malaya Nanda Sethy* (supra) and pass necessary order expeditiously.

8. Urgent certified copy of this order be granted on proper application.

(A.K. Mohapatra)
Judge

Debasis

