

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**W.P.(C) No.31476 of 2022**

|                                          |      |                               |
|------------------------------------------|------|-------------------------------|
| <b><i>Bhaktilata Nath Sharma</i></b>     | .... | <b><i>Petitioner</i></b>      |
|                                          |      | <i>Mr. S.V. Ray, Advocate</i> |
| -versus-                                 |      |                               |
| <b><i>State of Odisha and others</i></b> | .... | <b><i>Opp. Parties</i></b>    |
|                                          |      | <i>Mr. Arnav Behera, ASC</i>  |

**CORAM:  
JUSTICE A.K. MOHAPATRA**

**ORDER  
06.12.2022**

**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, prayed that this Hon’ble Court would be graciously be pleased to:*

- (a)    Admit this writ petition;*
- (b)    Issue rule NISI thereby asking the opposite parties as to why they shall not be commanded to appoint the petitioner or her adopted son Bhanu Pratap Nath Sharma under rehabilitation assistance scheme in appropriate post within the stipulated period and if the opposite parties do not show cause or show insufficient cause issue a writ of mandamus thereby directing the concerned authority to appoint the petitioner or her adopted son Bhanu Pratap Nath Sharma under rehabilitation assistance scheme in appropriate post within the stipulated period;*

(c) *And/or pass an appropriate order(s) as this Hon'ble Court deem think and proper."*

4. It is submitted by learned counsel for the Petitioner that the husband of the Petitioner, namely, Kishore Chandra Nath died on 27.05.1996 due to illness. Thereafter, the present Petitioner applied for appointment on compassionate ground. It is further submitted that after receiving the application of the Petitioner, the Establishment Officer, DHS, Odisha of the office of Directorate of Health Service, Odisha vide his letter dated 05.10.2012 called for certain documents from the Petitioner and, accordingly, the Petitioner has submitted all the required documents. However, till date, no final decision taken has been on the application of the Petitioner for appointment under the Rehabilitation Assistance Scheme. It is further submitted that the case of the Petitioner is squarely covered by the judgment of the Hon'ble Apex Court in the case of ***Malaya Nanda Sethy vs. State of Orissa and others*** (Civil Appeal No.4103 of 2022). Accordingly, the case of the Petitioner be considered in the light of the aforesaid judgment within a stipulated period of time.

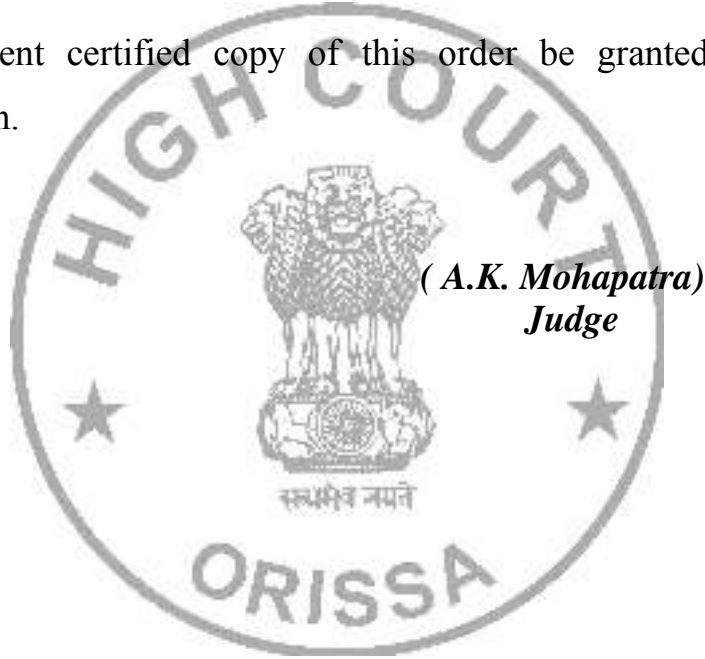
5. Learned counsel for the State-Opposite Parties, on the other hand, submits that the documents were not submitted in time. Therefore, there was delay in considering the application of the Petitioner for appointment on compassionate ground and, as such, the Opposite Parties have not any fault. However, he further submits that since the application of the Petitioner is pending before the authorities, they may be directed to consider the same in accordance with law within a stipulated period of time.

6. Considering the submissions made by 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-Joint Director, Health Services (Leprosy and T.B.) Orissa, Bhubaneswar to consider the application of the Petitioner for appointment on compassionate ground in accordance with law and in the light of the law laid down in the case of *Malaya Nanda Sathy* (supra) within a period of three months from the date of production of certified copy of this order, if there is no other legal impediment. It is further directed that in the event it is found that the Petitioner is eligible for appointment, then she shall be given appointment within one month thereafter.

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

Debasis



( *A.K. Mohapatra* )  
*Judge*