

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.34000 of 2022

Banabihari Behera

....

Petitioner

Mr. S.K. Panda, Advocate

-versus-

State of Odisha and others

....

Opposite Parties

Mr. B.P.Tripathy, A.G.A.

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

**ORDER
23.12.2022**

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. Perused the record.
 3. The present writ petition has been filed by the petitioner challenging the impugned order dated 13.07.2022 passed by the Principal Secretary to Government, Fisheries and Animal Resources Development Department, Odisha, Bhubaneswar and further the petitioner has prayed for a direction to the Opposite Parties to regularize the services of the petitioner against the vacant Group-D post under the Fisheries and Animal Resources Development Department, Government of Odisha within a stipulated period of time.
 4. On perusal of the writ petition under Annexure-1, it appears that the representation of the petitioner was taken up for consideration by the Director, Animal Husbandry and Veterinary

Services, Odisha pursuant to the direction issued by this Court in W.P.(C) No.9535 of 2022. Although in the impugned order dated 12.08.2022, the Director has referred to judgments of the Hon'ble Supreme Court in the case of *State of Karnataka vrs. Umadevi* ; reported in (2006) 4 SCC 1, in the case of *State of Karnataka vrs. M.L. Keshari* ; reported in (2010) 9 SCC 247 and in the case of *Amarkant Rai vrs. State of Bihar* ; reported in (2015) 8 SCC 265, however, the applicability of the law laid down in those judgments of the Hon'ble Apex Court has not at all been discussed in the impugned order. The impugned order upon close scrutiny, reveals that the same has passed by taking into consideration the Government resolution dated 04.09.2012. Admitted case of the petitioner is that he was engaged after the cut-off date i.e. 12.04.1993 and as such, the case is not covered by the resolution of the Government. Therefore, considering the law and the length of service of the petitioner, this Court had earlier directed the Opposite Parties to consider the case of the petitioner in the light of the law laid down by the Hon'ble Supreme Court in the above referred judgments and to dispose of the representation of the petitioner by passing a speaking and reasoned order.

5. In reply to the aforesaid contentions, learned counsel for the State submits that he has no objection, if the petitioner is directed to file another representation before the competent authority i.e. Director, Animal Husbandry and Veterinary Services, Odisha Cuttack-Opposite Party No.3 and in the event such representation is filed, the same shall be considered by taking into consideration the length of the service rendered by the petitioner and in the light of the law laid down by the Hon'ble Supreme Court within a stipulated

period of time.

6. In such view of the matter, this Court deems it proper to dispose of the writ petition by directing the petitioner to file a fresh representation highlighting his grievances along with copies of the relevant documents in support of his claim and a certified copy of this order before the Director, of Animal Husbandry and Veterinary Services, Odisha Cuttack (Opposite Party No.3) within a period of two weeks from today. In the event such a representation is filed within the aforesaid period, the Opposite Party No.3 shall do well to consider the case of the petitioner in the light of the law laid down by the Hon'ble Supreme Court in the above noted judgments within a period of eight weeks from the date of receipt of the representation and the same shall be considered and disposed of by passing a speaking and reasoned order within the aforesaid time stipulated. Any decision taken on the same shall be communicated to the Petitioner within a period of two week thereafter.

7. With the aforesaid observation/direction, the writ petition stands disposed of.

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

(A.K. Mohapatra)
Judge

RKS