

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C).No.39987 of 2021

Sarthak Kumar

....

Petitioner(s)

Mr.L.K.Moharana, Advocate

-versus-

Union of India & Ors.

....

Opposite Party(s)

Mr.Dipak Gochhayat, ASG

Mr.P.K.Parhi, ASG.

CORAM:

JUSTICE BISWANATH RATH

ORDER

21.01.2022

Order No.

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1. This matter is taken up through Video Conferencing Mode.
2. Heard learned counsel appearing for the parties.
3. Undisputedly, the grievance of the petitioner at Annexure-10 is pending consideration of the National Commission for Backward Classes. Referring to document at Annexure-14, page- 73 of the brief, Mr. Mohapatra, learned counsel for the petitioner submits that there is no finalization of the grievance of the petitioner even in spite of request by the Director, OBC. It is at this stage of the matter, Mr. Gochhayat, learned counsel assisting learned ASG urges before this Court for considering the grievance of the petitioner keeping in view a decision already rendered by the Hon'ble Apex Court involving the mater. For the opinion of this Court that the grievance is pending consideration of the National Commission for Backward Classes, there is prohibition on the part of the Commissioner to take any decision even if rendered by the Hon'ble Apex Court. It is open to the parties to place reliance of such decision with the competent authority.
4. It is keeping in this view and as a grievance petition is yet remain un-adjudicated, this Court in disposal of the writ petition

directs the National Commission for Backward Classes to consider the grievance petition of the petitioner at Anenxure-10 also keeping in view any decision rendered by the Hon'ble Apex Court, copy of which is to be forwarded by the ASG for consideration of the National Commission for Backward Classes. Entire exercise be completed, if necessary, providing opportunity to the parties likely to be affected, at least within a period of three months from the date of communication of an authenticated copy of this order by the petitioner.

5. As restrictions due to resurgence of COVID-19 situation are continuing, learned counsel for the parties may utilize a printout copy of the order available in the High Court's website, at par with certified copy, subject to attestation by the concerned advocate, in the manner prescribed vide Court's Notice No.4587, dated 25th March, 2020 as modified by Court's Notice No.4798, dated 15th April, 2021 and Court's Office order circulated vide Memo Nos.514 & 515 dated 7th January, 2022.

(Biswanath Rath)
Judge