

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 35355 of 2022

Madhusmita Barad

.....

Petitioner

Mr. S. Swain, Advocate

Vs.

State of Odisha and others

.....

Opposite parties

State Counsel

CORAM:

DR. JUSTICE B.R. SARANGI

ORDER

21.12.2022

Order No.

01

This matter is taken up through hybrid mode.

2. Heard.

3. The petitioner has filed this application seeking direction to the opposite parties to extend compassionate appointment to her under OCS (RA) Rules within a stipulated period keeping in view the judgment of this Court in the case of ***Ritanjali Giri @ Paul v. State of Odisha (School & M.E. Deptt.) & others***, 2016 (I) ILR-1162.

4. Learned counsel for the petitioner contended that since the deceased employee was working in an educational institution receiving block grant, in view of the judgment passed in ***Ritanjali Giri @ Paul v. State of Odisha (School & M.E. Deptt.) & others***, 2016 (I) ILR-1162 wherein this Court has already held that the legal heirs of deceased employees of educational institutions receiving block grant are entitled to get compassionate appointment, pursuant to which the Government of Odisha in the Department of School & Mass Education has issued a circular on 01.08.2019 granting benefit of compassionate appointment to the legal heirs of the deceased employees working in fully aided educational institutions and educational institutions receiving grant-in-aid (New)/block grant, therefore, the benefit as claimed in the writ application should be extended to the petitioner.

5. Considering the contentions raised by learned counsel for the parties and after going through the record, this Court is of the considered view that since the benefit of compassionate appointment to the legal heirs of deceased employees of educational institutions receiving block grant has already been

extended by the authority, vide circular dated 01.08.2019, therefore, without expressing any opinion on the merits of the case, the matter is remitted back to the authority concerned for consideration with regard to extension of the benefit as claimed in the writ application taking into account the ratio decided in ***Ritanjali Giri @ Paul*** (supra) within a period of four months from the date of communication of this order. Needless to mention, if it is found that the petitioner is entitled to get the benefit, as claimed in the writ application in consonance with the law laid down in ***Ritanjali Giri @ Paul*** (supra), the same shall be granted within the time stipulated.

7. The writ petition is thus disposed of.

Arun

(DR. B.R. SARANGI, J.)

