IN THE HIGH COURT OF ORISSA AT CUTTACK
WP(C) No. 25761 of 2026
CNR No. ODHC010617002026

Ashish Ansuman Maharana **.....** ***Petitioner***
Mr. J. Subudhi, Advocate

-versus-

State of Odisha & Ors. **.....** ***Opposite Parties***
Mr. A. Tripathy, AGA

CORAM:
THE HON'BLE MR. JUSTICE BIRAJA PRASANNA SATAPATHY
ORDER
27.10.2026

Order No. 02

1. This matter is taken up through hybrid mode.

2. Heard learned counsel appearing for the Parties.

3. Pursuant to order dtd.14.08.2026, learned Addl. Govt. Advocate produced the instruction so provided by the Superintendent, SCB Medical College and Hospital, Kataka with service of copy on the learned counsel appearing for the Petitioner in Court. The same be kept in record.

3.1. Basing on the instruction, it is contended that Petitioner's disability has now been found at 50% permanent.

4. The present writ petition has been filed inter alia with the following prayer:-

"It is, therefore, most humbly prayed that this Hon'ble Court may graciously be pleased to:

(a) issue an appropriate writ, order or direction, particularly in the nature of Certiorari, declaring the action of the Opposite Parties in directing the Petitioner to appear before the Medical Assessment Board for "Verification of Disability Certificate/UDID Card and Genuineness of the Claim" under ANNEXURE-8 and the consequential disallowance of his candidature under the PWBD (Orthopedically Impaired) category as illegal, arbitrary and unsustainable, and quash the same to that extent;

(b) issue an appropriate writ, order or direction. particularly in the nature of Mandamus, directing the Opposite Parties to treat the Petitioner as a valid PwBD (Orthopedically Impaired) candidate on the basis of his valid Disability Certificate dated 05.01.2026 and corresponding UDID Card and to consider his candidature under the PwBD category in the recruitment pursuant to Advertisement No. IIE-60/2023-938(C)/OSSSC dated 29.12.2023 in accordance with law;

(c) direct the Opposite Parties to produce before this Hon'ble Court the complete medical assessment record of the Petitioner, including the report, findings and basis on which his disability was assessed at 10%;

(d) in the alternative, if this Hon'ble Court considers any further medical assessment necessary, direct constitution of an independent Medical Board and fresh consideration of the Petitioner's candidature in accordance with the Rights of Persons with Disabilities Act, 2016 and the applicable Government guidelines;

(e) pass such other order(s) or direction(s) as this Hon'ble Court may deem fit and proper in the interests of justice.

AND FOR THIS ACT OF KINDNESS, THE PETITIONER AS IN DUTY BOUND SHALL EVER PRAY."

5. It is contended that pursuant to the advertisement issued by the Odisha Sub-Ordinate Staff Selection Commission (in short Commission) inviting application to fill up the post of Revenue Inspector, Supervisor (ICDS), Assistant Revenue Inspector, Amin and Statistical Field Surveyor under Annexure-4, Petitioner made his application under Annexure-5. Though Petitioner qualified in the selection process, but since he had appeared as a disabled candidate, Petitioner prior to being provided with the order of appointment, was sent for fresh examination of his disability. Even though in the disability certificate so issued under Annexure-2, Petitioner's disability was assessed at 44% permanent, but since his disability was assessed at 10% permanent so available under Annexure-11, Petitioner was not provided with the appointment with due recommendation by the Commission.

5.1. It is contended that since the minimum requirement to get the benefit of appointment is 40% permanent and now as per the report submitted by the authorities of SCB Medical College & Hospital, Kataka, Petitioner's disability has been assessed as 50% permanent, Opp. Party No. 3 be directed to recommend the Petitioner's name to get the benefit of appointment in terms of the preference given by the Petitioner in his application under Annexure-5 and Petitioner be provided with the order of appointment.

6. Learned Addl. Govt. Advocate also fairly contended that since Petitioner's disability has now been assessed at 50% permanent, this Court can pass appropriate order in accordance with law.

7. Having heard learned counsel appearing for the Parties and considering the submissions made, it is found that pursuant to the advertisement issued by the Commission under Annexure-4, Petitioner participated in the selection process by making the application under Annexure-5, Petitioner made the application and participated in the selection process being a disabled candidate basing on the certificate issued under Annexure-2, wherein his disability was assessed at 44% permanent.

7.1. It is found that Petitioner though qualified in the selection process, but he was not recommended by the Commission when his disability was found at 10% permanent so intimated while providing the information under Annexure-11.

7.2. Considering the fact that Petitioner's disability has now been assessed at 50% permanent by the authorities of SCB Medical College & Hospital, Kataka and the minimum requirement to get the benefit of appointment being 40% permanent, this Court is of the view that Petitioner is entitled to get the benefit of recommendation and so also appointment as against the post, basing on the preference given by the Petitioner in his application under Annexure-5.

7.3. Accordingly, while holding so, this Court directs the Commission to recommend the name of the Petitioner for his appointment as against the post, taking into account the preference

indicated in Annexure-5 as expeditiously as possible, preferably within a period of three (3) weeks from the date of receipt of this order. On being so recommended, the concerned authority shall provide appointment to the Petitioner with issuance of the order of appointment within a period of three (3) weeks from the date of receipt of the recommendation.

7.4. It is however observed that Petitioner will not be entitled to claim any service and financial benefit because of the delay involved in providing appointment in terms of the present order.

8. The writ petition accordingly stands disposed of.

(BIRAJA PRASANNA SATAPATHY)
Judge

Sneha

Signature Not Verified
Digitally Signed
Signed by: SNEHANJALI PARIDA
Reason: Authentication
Location: High Court of Orissa, Cuttack
Date: 28-Oct-2026 18:10:57