



IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) No.5739 of 2026

Sarojini Das

.....

Petitioner

Represented by Adv. –

Mr. Kunal Kumar Swain

-versus-

State of Odisha and others

.....

Opposite Parties

Mr. Sarbeswar Behera, AGA

CORAM:

THE HON'BLE MR. JUSTICE ADITYA KUMAR MOHAPATRA

ORDER

23.02.2026

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 Additional Government Advocate for the State-Opposite Parties. Perused the writ application as well as the documents annexed thereto.
3. By filing the present writ petition, the Petitioner has sought for the following reliefs:

“Under the above circumstances, it is humbly prayed that the writ petition may be allowed;

And

(A) a writ of Mandamus or an appropriate writ may be issued directing the opposite parties to reconsider the case of the petitioner for her appointment either in a Group-C post or in a Group-D post under the Rehabilitation Assistance



*Scheme in accordance with the Odisha Civil Services (Rehabilitation Assistance) Rules, 1990 read with the Odisha Civil Services (Rehabilitation Assistance) Amendment Rules, 2025, keeping in view the decision of this Hon'ble Court rendered in the case of Urbashi Sahoo Vs. State of Odisha and others reported in 2022 (Supp.) OLR 245, in the case of Basanti Nayak Vs. State of Odisha and others (WPC (OAC) No.2669 of 2008 disposed of on 27.10.2022), which has been upheld by the Division Bench of this Hon'ble Court in W.A. No.3055 of 2023 (State of Odisha and others Vs. Basanti Nayak) disposed of on 02.01.2024 and in the case of Seemarani Pandab Vs. State of Odisha and others reported in 2024 (I) OLR 885 (RVWPET No.416 of 2023 disposed of on 08.02.2024 arising out of WPC (OAC) No.436 of 2014 disposed of on 11.07.2022, within a time to be stipulated by this Hon'ble Court;
(B) And any other order / orders or direction / directions may be issued so as to give complete relief to the petitioner.”*

4. Learned counsel for the Petitioner, at the outset, contended that the father of the Petitioner, namely, Damodar Das while working as a Government Primary School Talcher, died in harness on 11.11.1996. After the death of father of the Petitioner, the Petitioner being one of the legal heirs applied for a job on compassionate ground by filing an application before the competent authority in the year 1997. Such application of the Petitioner was duly acknowledged by the Opposite Parties. He further submitted that the Inspector of Schools, Kendrapara Circle wrote a letter on 28.05.2007 with a request to the Government to consider the case of appointment of some of the persons who had applied for appointment on compassionate



ground. The list appended to the letter consist the name of the present Petitioner at Serial No.14, which is filed at Annexure-3 to the writ petition. Learned counsel for the Petitioner further submitted that since the Petitioner was not appointed under the Rehabilitation Assistant Rules, 1990, she was compelled to approach the Odisha Administrative Tribunal, Cuttack Bench, Cuttack by filing an O.A. The O.A. was disposed of without interfering in the matter.

5. Learned counsel for the Petitioner further submitted that the Petitioner got married in the year 2002. Thereafter, such marriage was dissolved by a decree of divorce in the year 2013. A copy of such divorce decree has been filed, which is at Annexure-4 to the writ petition. After such divorce, the District Education Officer, Kendrapara wrote a letter on 09.01.2014 to the Commissioner-cum- Director of Secondary Education, Odisha, Bhubaneswar requesting the authority to consider the case of the Petitioner for appointment. However, no action has been taken on such letter as of now. In course of his argument, learned counsel for the Petitioner referred to various communications including a letter whereby the Deputy Director of Secondary Education, Odisha, Bhubaneswar has recommended the name of the Petitioner for appointment on compassionate ground, which is at Annexure-6 to the writ petition. He further submitted that being aggrieved by such inaction of the Opposite Parties, the Petitioner approached the Commissioner-cum-Secretary to Government, School & Mass Education Department, Bhubaneswar, Opposite Party No.1 by



filing a detailed representation dated 12.08.2025 at Annexure-8 to the writ petition. However, no decision has been taken on such representation. In such view of the matter, learned counsel for the Petitioner contended that the Petitioner being aggrieved by the inaction of the Opposite Parties, has approached this Court by filing the present writ petition.

6. Learned counsel for the State, on the other hand, contended that he has no specific instruction in the matter. However, looking into the grievance of the present Petitioner, learned counsel for the Petitioner contended that in the event this Court directs the Opposite Parties to consider the case of the Petitioner strictly in accordance with law and in terms of the G.A. & P.G. Department Notification dated 04.04.2025 as well as the clarificatory order dated 13.06.2025 at Annexure-9 within a stipulated period of time, he will have no objection to the same.

7. Taking into consideration the submissions made by the learned counsels appearing for both sides, on a careful examination of the background facts as well as the documents annexed to the writ petition, further keeping in view the limited nature of grievance involved in the present writ petition, this Court disposes the writ petition by granting liberty to the Petitioner to approach the Opposite Party No.1 along with a copy of this order within three weeks from today. In such eventuality, the Opposite Party No.1 shall consider the case of the Petitioner for appointment on compassionate ground strictly



in accordance with rules/notifications/orders and dispose of the representation of the Petitioner by passing a speaking and reasoned order within a period of eight weeks from the date the Petitioner approaches the Opposite Party No.1. The final decision so taken be communicated to the Petitioner within ten days thereafter.

(Aditya Kumar Mohapatra)
Judge

Debasis