



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.9498 of 2025

Manoranjan Nayak

.....

Petitioner

Represented By Adv. –
Mr. Ramdas Acharya

-versus-

State of Odisha and others

.....

Opposite Parties

Represented By Adv. –
Mr. C.M. Singh, ASC

CORAM:

THE HON'BLE MR. JUSTICE ADITYA KUMAR MOHAPATRA

Order No.

ORDER

08.05.2026

02.

1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. Head the learned counsel for the Petitioner as well as the learned counsel for the State-Opposite Parties. Perused the writ petition as well as the documents annexed thereto.
3. By filing the present writ petition, the Petitioner has sought for the following reliefs:-

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

Admit this writ petition,

And

Issue necessary directions to set aside the impugned office order dated 07.01.2025 issued by the Opp. Party No.5 and further issue directions to re-examine the disability of the petitioner by a committee of medical



experts of SCB Medical College, and Hospital and to provide appointment to the petitioner to the post of Junior Teacher Schematic Category-I Science (Classes I to V) of Samagra Sikhsha, Ganjam under the SEBC-PWD-OH category as per the advertisement dated 10.09.2023 issued by the Opp. Party No.2, in the interests of justice in the prevailing circumstances.

And

Pass such order or further orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case.”

4. Learned counsel for the Petitioner, at the outset, contended that pursuant to an advertisement dated 10.09.2023 under Annexure-1, the Petitioner submitted his candidature for appointment to the post of Junior Teacher Schematic. By following a due procedure selection, the Petitioner was selected under the SEBC-PWD-OH Category. Accordingly, the Petitioner's name was placed in the provisional select list in the final merit list for the Ganjam district, which was published in the year 2024. The Petitioner, who had applied under the SEBC-PWD-OH Category, appeared before the Medical Assessment Board on 03.10.2024. Accordingly, he was issued with a certificate by the Opposite Party No.5. On 15.10.2024 the Opposite Party No.5 published the list of selected candidates, who were to execute agreement with the Opposite Parties. However, such list did not include the name of the present Petitioner.

5. Learned counsel for the Petitioner further contended



that since the name of the Petitioner was excluded from the final merit list, the Petitioner on enquiry came to learn that his disability is 40% permanent and the same is also the bench mark under the Right of Persons with Disabilities Act, 2016 and, accordingly, the Petitioner submitted his application for such appointment with 40% permanent disability, which was subsequently reduce by the Medical Assessment Board to 28%. As such, the Petitioner was not considered under the PWD Category and hence his name was not included in the final merit list.

6. Being aggrieved by the aforesaid exclusion of the name of the Petitioner in the final gradation list, the Petitioner approached this Court earlier by filing a writ petition numbered as W.P.(C) No.26428 of 2024, which was disposed of by a coordinate Bench of this Court vide order dated 04.11.2024 directing the Opposite Party No.5 to consider the representation of the Petitioner and to pass appropriate order in accordance with law within three months. Thereafter, the Petitioner approached the Opposite Party No.5 and the Opposite Party No.5 vide order dated 07.01.2025 at Annexure-9 rejected the claim of the Petitioner on the sole ground that the Petitioner is having 28% permanent disability which is less than the bench mark fixed under the Act of the year 2016. The Petitioner being aggrieved by order dated 07.01.2025 approached this Court by filing the present writ petition.



7. On perusal of the order sheet, it appears that a coordinate Bench while taking up the matter for admission on 21.04.2025 directed the Opposite Parties to constitute a Medical Board of M.K.C.G. Medical College, Berhampur and directed the Petitioner to appear before such Medical Board for reassessment of his physical disability. Accordingly, the Petitioner appeared before the concerned Medical Board.

8. Learned counsel for the State, produced a copy of the report assessing the extent of Petitioner's disability by the Board which was constituted pursuant to the order dated 21.04.2025 by a coordinate Bench of this Court.

9. On perusal of the report of the Medical Board, it appears that the Medical Board has assessed the physical disability of the Petitioner to be 40% permanent disability. Thus, the discrepancy which was earlier there has been set at rest by virtue of the report dated 15.07.2025 of the Medical Board constituted pursuant to order dated 21.04.2025. Such report is final and the same is not disputed by the parties.

10. Learned counsel for the State, on the other hand, contended that although the Petitioner had initially submitted his candidature by showing 40% permanent disability, however on assessment of his physical disability by the competent authority, it was found to be 28%. Accordingly, the name of the Petitioner was not included in the final merit list. In such view of the matter, learned



counsel for the State contended that the Opposite Parties have not committed any illegality and that no fault can be found in the impugned order dated 07.01.2025 at Annexure-9. He further submitted that in the event this Court directs the Opposite Party No.2 to reconsider the case of the Petitioner in terms of the latest report of the concerned Medical Board, which was constituted pursuant to the order of a coordinate Bench of this Court dated 21.04.2025, within a stipulated period of time, he will have no objection to the same.

11. Having regard to the submissions made by the learned counsels appearing for the respective parties and on a careful examination of the materials on record, further taking into consideration the latest report dated 15.07.2025 with regard to the percentage of physical disability of the Petitioner as has been reported by the Medical Board constituted pursuant to the order of a coordinate Bench of this Court dated 21.04.2025, which was placed before this Court during hearing and is hereby taken on record, this Court deems it proper to dispose of the present writ petition by directing the Opposite Parties to reconsider the case of the Petitioner by taking into consideration the report dated 15.07.2025 of the Medical Board, which was constituted pursuant to the order of a coordinate Bench of this Court on 21.04.2025. Let the aforesaid reconsideration of the Petitioner be carried out within a period of eight weeks from the date of communication of a copy of this order. The



Opposite Party No.5 shall reconsider the case of the Petitioner by taking into consideration the report dated 15.07.2025 of the Medical Board and pass necessary order thereon in accordance with law, within the aforesaid stipulated period of time and the final decision so taken be communicated to the Petitioner forthwith.

12. A copy of the report dated 15.07.2025 of the Medical Board be provided to the learned counsel for the Petitioner.

13. With the aforesaid observation and direction, the writ petition is disposed of.

(Aditya Kumar Mohapatra)
Judge

Debasis