



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.13866 of 2026

Kabiraj Panigrahi

.....

Petitioner

Represented By Adv. –
Mr. Laxmikanta Mohanty

-versus-

State of Odisha and others

.....

Opposite Parties

Represented By Adv. –
Smt. Sasmita Nayak, ASC

CORAM:

THE HON'BLE MR. JUSTICE ADITYA KUMAR MOHAPATRA

Order No.

ORDER

07.05.2026

01.

1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. Heard 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 prayed for the following reliefs:-

“It is, therefore, prayed that this Hon'ble Court may graciously be pleased to issue notice to the opp. parties calling upon them to file show cause as to why :-

- i) A direction shall not be issued to issue appointment order in favour of the petitioner under Rehabilitation Assistance Rules, 1990 against any Group-D post as per his placement in list dated 13.06.2025 under Annexure-11 and



the Judgment of Hon'ble Apex Court of India rendered in between Malaya Nanda Sethi Vrs State of Odisha and others reported in 2022(II) OLR (SC) P-1:

ii) And after hearing the parties be pleased to direct the opp. parties especially opp. party No.4 to issue order of appointment in favour of the petitioner against any Group-D post as per his Serial number in the list dated 13.6.2025 under Annexure-11; within a date to be fixed by this Hon'ble Court;

And pass any other order/orders, direction/ directions as deemed fit and proper.”

4. Learned counsel for the Petitioner, at the outset, contended that the brother of the Petitioner, namely, Lingaraj Panigrahi was initially appointed as an Assistant Teacher on 05.08.1993. He further contended that the brother of the Petitioner died as a bachelor in harness on 02.11.1998. After the death of the Government employee his brother, the present Petitioner, applied for appointment on OCS (RA) Rules, 1990 on 20.04.1999. Such application of the Petitioner was forwarded by the Opposite Party No.5 to the Opposite Party No.3 for consideration.

5. Learned counsel for the Petitioner, at this stage, contended that after submitting his application for appointment on compassionate ground, the Petitioner had approached the Opposite Party No.2 for grant of Distress Certificate in his favour. Such application was kept pending for a long time. He further submitted that till date such Distress Certificate has not been issued in favour of the



present Petitioner. In course of his argument, learned counsel for the Petitioner referring to the letter dated 23.09.2016 at Annexure-8, submitted before this Court that the Deputy Director, Elementary Education, Odisha, Bhubaneswar wrote a letter to the Block Education Officer, Anandapur with regard to appointment of present Petitioner on compassionate ground and in the said letter, it has been mentioned that initially the application of the Petitioner for grant of Distress Certificate was rejected by the Collector, Keonjhar on 26.04.2001, however, the Block Education Officer, Anandapur was asked to send necessary proposal to the Collector, Keonjhar again for issuance of Distress Certificate in favour of the Petitioner for consideration of his case on compassionate ground under R.A. Scheme.

6. Learned counsel for the Petitioner further contended that in the meantime the law has been amended. He submitted that the case of the Petitioner was considered after almost 25 years of submitting the application before the competent authority for appointment on compassionate ground. Finally, the Opposite Party No.4-District Education Officer, Keonjhar, by virtue of letter dated 13.06.2025 under Annexure-11, has submitted a list of eligible candidates for appointment under the OCS (RA) Rules, 1990. Such list contains the name of the present Petitioner at Serial No.11. He further submitted that due to non-issuance of Distress Certificate by the Opposite Party No.3-Collector, Keonjhar, the Petitioner's case has not been considered and he has not



been issued with an appointment letter.

7. Learned counsel for the State, on the other hand, contended that on perusal of the documents annexed to the writ petition, it appears that initially the application of the Petitioner for issuance of Distress Certificate was rejected by the Opposite Party No.3-Collector, Keonjhar. She further submitted that although a request was made by the office of the Director, Elementary Education, Odisha, Bhubaneswar to the Block Education Officer, Anandapur to impress upon the Collector, Keonjhar to reconsider the case of the Petitioner for issuance of Distress Certificate, however it appears that the same has not been carried out and that no Distress Certificate has been issued as of now. In the aforesaid factual backdrop, learned counsel for the State contended that she will have no objection, in the event this Court directs the Opposite Party No.3-Collector, Keonjhar, who is the competent authority, to consider the case of the Petitioner for issuance of Distress Certificate in accordance with law and within a stipulated period of time.

8. Having regard to the submissions made by the learned counsels appearing for the respective parties and on a careful examination of the background facts, further taking note of the limited nature of the grievance involved in the present writ petition, particularly issuance of a Distress Certificate in favour of the present Petitioner, as is evident from the documents annexed to the writ petition, this Court



deems it proper to dispose of the writ petition at the stage of admission by granting liberty to the Petitioner to approach the Opposite Party No.3-Collector, Keonjhar along with a copy of this order within three weeks from today. In such eventuality, the Opposite Party No.3-Collector, Keonjhar shall do well to consider the case of the Petitioner for issuance of a Distress Certificate and a final decision be taken on the request of the Petitioner for issuance of such Distress Certificate in accordance with law within a period of six weeks from the date the Petitioner approaches the Opposite Party No.3-Collector, Keonjhar in the manner as has been directed hereinabove. The Opposite Party No.3-Collector, Keonjhar is further directed to consider the case of the Petitioner positively within the aforesaid time stipulation and pass necessary consequential order. The final decision so taken be communicated to the Petitioner by the Opposite Party No.3 within a week from the date of taking such decision.

9. With the aforesaid observation and direction, the writ petition stands disposed of.

(Aditya Kumar Mohapatra)
Judge

Debasis