



IN THE HIGH COURT OF ORISSA AT CUTTACK

WP(C) No.32592 of 2025

Sekhar Kumar Ghadai

.....

Petitioner

Represented by Adv. –
Mr. Durgesh Narayan
Rath

-versus-

State of Odisha and others

.....

Opposite Parties

Represented by Adv. –
Mr. Aurobinda Mohanty,
ASC

CORAM:

HON'BLE MR. JUSTICE ADITYA KUMAR MOHAPATRA

Date of hearing and judgment - 23.02.2026

A.K. Mohapatra, J. :

1. Heard learned counsel for the Petitioner as well as learned Additional Standing Counsel appearing for the State-Opposite Parties. Perused the writ application as well as the documents annexed thereto.
2. By filing the present writ application, the Petitioner has prayed for the following relief;

“Under the above circumstance, it is therefore humbly prayed that this Hon'ble Court may be graciously pleased to issue a writ in the nature of writ of mandamus or any other appropriate writ, direction or order by directing the opposite parties, more particularly the opposite party no.3 to extend appointment order in favour of the petitioner pursuant to the list published under



*Annexure-5 forthwith since the matter has already been set at rest by the Hon'ble Apex Court in the case of **State of Odisha v. Jita Luha and others** (Civil Appeal No.5842 of 2025 decided on 02.05.2025) and the Government has already framed the rules under Annexure-9 and issued clarifications in this regard under Annexure-10 and the District Education Officers of other districts have already extended the appointment orders in favour of similarly situated employees under Annexure-11 series.*

And this Hon'ble Court be pleased to pass any further order/orders or direction/directions as this Hon'ble Court deems fit and proper in the facts and circumstances of the case.”

3. Learned counsel for the Petitioner, at the outset, contended that the father of the Petitioner was working as an Assistant Teacher in Government Primary School under Block Education Officer, Dharmasala. He joined on 08.08.1990 and while working in the Government Primary School, the father of the Petitioner died in harness on 26.04.2012. The Petitioner being one of the legal heirs applied for appointment on compassionate ground and the application was filed within the period of limitation as prescribed in R.A. Rules. Learned counsel for the Petitioner further submitted that along with his application the Petitioner has also submitted the death certificate of his father as well as the legal heir certificate issued by the competent authority.

4. While the matter stood thus, on 02.12.2019 the District Education Officer, Jajpur sent a letter to the District Information Officer, Jajpur for an inquiry with regard to the matter of appointment of the Petitioner on compassionate ground. Learned counsel for the Petitioner further contended that after considering the application submitted by similarly situated candidates for appointment on compassionate ground, the name of the Petitioner was shortlisted for



being considered for appointment under R.A. Scheme, wherein the name of the Petitioner finds place at Sl. No.37.

5. Learned counsel for the Petitioner contended that although the father of the Petitioner died in the year 2012, the application of the Petitioner was not considered by applying the amended R.A. Rules for the year 2020, for which the Petitioner approached this Court by filing W.P.(C) No.26953 of 2020 which was disposed of vide order dated 13.02.2023 by directing the Opposite Parties-Authority to consider the case of the Petitioner in the light of the judgment of the Hon'ble Supreme Court in the case of *Malaya Nanda Sethy vs. State of Odisha*, reported in *2022 SCC Online SC 684*, taking into consideration the list prepared by the authority under Annexure-5 dated 02.12.2019, within a period of three months from the date of production of certified copy of this order.

6. As against order dated 13.02.2023 the State-Opposite Parties preferred a Writ Appeal bearing W.A. No.1491 of 2023 which was disposed of on 26.09.2023 with the observation that the case of the Petitioner is covered by the decision in the case of *State of Odisha and others vs. Bindusagar Samantray* rendered in W.A. No.810 of 2021 disposed of on 25.09.2023 and therefore shall be considered in the manner as recorded in the case of *Bindusagar (supra)* within a period of four months from today.

7. Finally, the Government of Odisha issued the notification dated 04.04.2025 thereby amending Rule 6(9) of 2020 Rules. In the meantime, a batch of SLPs were filed by the State-Opposite Parties before the Hon'ble Supreme Court challenging the order passed by this Court directing the Opposite Parties to consider the cases of the legal heirs of the deceased government employees who died prior to



the amended rule came to force in the year 2020. The batch of petitions was taken up for hearing along with the Civil Appeal No.6100 of 2025 including the SLP(C) filed in the case of the present Petitioner. Such appeals were disposed of by a common order dated 02.05.2025 in terms of the Notification dated 04.04.2025. In view of the aforesaid legal position, learned counsel for the Petitioner contended that there exists no legal impediment in giving appointment to the Petitioner under the R.A. Scheme.

8. Learned counsel for the State, on the other hand, contended that no specific counter affidavit is required as facts are not disputed. Furthermore, taking into consideration the fact that the appointing authority, i.e. the District Education Officer in his letter No.10854 dated 02.12.2019 has communicated to the District Information Officer with a request to make notification of the Rehabilitation Assistance Scheme (RAS) merit list available in the website of the district NIC, under Annexure-5 wherein the name of the Petitioner found place at Sl. No.37, he will have no objection in the event this Court directs the Opposite Parties to consider the case of the Petitioner for appointment on compassionate ground as has been indicated in the letter at Annexure-5 to the writ application subject to availability vacancy in posts.

9. Having regard to the submissions made by the learned counsels appearing for the respective parties, on a careful examination of the background facts and further taking into consideration the fact that the case of the Petitioner is squarely covered by the Notification dated 04.04.2025 of the G.A. & P.G. Department, Government of Odisha and the fact that his name has already been recommended by the District Education Officer, Jajpur vide letter dated 02.12.2019, this



Court deems it proper to dispose of the writ application, by directing the Opposite Parties to take up immediate necessary follow-up steps to consider the case of the Petitioner in the light of the aforesaid discussion for giving appointment to the Petitioner as against the vacant post, by taking into consideration the recommendation of the DEO, Jajpur dated 02.12.2019, within a period of two months. The case of the Petitioner shall be considered for appointment within the aforesaid time stipulation subject to availability of the vacancy.

10. With the aforesaid observation and direction, the writ application stands disposed of.

(A.K. Mohapatra)
Judge

Orissa High Court, Cuttack
The 23rd February, 2026/Debasis Aech, Secretary