



IN THE HIGH COURT OF ORISSA AT CUTTACK

WP(C) No.32602 of 2025

Ranabijoya Sahu

.....

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-6 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-15 and issued clarifications in this regard under Annexure-16 and the District Education Officers of other districts have already extended the appointment orders in favour of similarly situated employees under Annexure-17 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. So far as the factual background of the case is concerned, the father of the Petitioner joined on 20.07.1992. While working in Radagan UGME School, the father of the Petitioner died in harness on 12.06.2017 and the death certificate and legal heirs' certificates are issued to the Petitioner. Thereafter, the District Education Officer, Jajpur vide its office order dated 02.12.2019 issued a draft merit list for appointment under Rehabilitation Assistance Scheme for approved wherein the Petitioner's name finds place at Sl. No.76.

4. While this was the position, the Petitioner being aggrieved by the delay in giving him appointment on compassionate ground approached this Court by filing W.P.(C) No.15603 of 2023. A coordinate Bench of this Court vide order dated 17.05.2023, after hearing the argument from both sides, disposed of the application with a direction to the Opposite Party No.3 to take a decision within one month from the date of production of a copy of the



order. Since the order dated 17.05.2023 was not carried out, the Petitioner was compelled to file a contempt petition bearing CONTC No.10805 of 2023 which was also disposed of vide order dated 30.08.2024 granting liberty to the Petitioner to pursue the matter before the appropriate forum as because during pendency of the contempt petition, the State-Opposite Parties rejected the case of the Petitioner vide order dated 08.04.2024.

5. Learned counsel for the Petitioner, at this juncture, contended that vide order dated 08.04.2024, the Opposite Parties have rejected the claim of the Petitioner illegally without applying their mind. The Petitioner assailed such rejection order by filing W.P.(C) No.28252 of 2024, which was disposed of on 23.12.2024 by quashing the order of rejection dated 08.04.2024 and remitting the matter to Opposite Party No.3 to take a fresh decision on the claim of the Petitioner in the light of the decision in the case of *Malaya Nanda Sethy* within a period of two(2) months from the date of receipt of this order and communicate the result thereof to the Petitioner.

6. Finally the Government of Odisha in G.A.&P.G. Department 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 of the G.A. & P.G. Department, Government of Odisha. 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.

7. 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-6 wherein the name of the Petitioner found place at Sl. No.76, 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-6 to the writ application subject to availability vacancy in posts.

8. 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.

9. 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