

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.36760 of 2023

**Manas Mishra**

.... **Petitioner**  
*Mr.G.Sethi, Advocate*

-versus-

**State of Odisha and others**

.... **Opp. Parties**  
*Mr. Nikhil Pratap,A.S.C.*

**CORAM:**

**JUSTICE A.K. MOHAPATRA**

**ORDER**

**16.11.2023**

**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 Standing counsel appearing for the State. Perused the writ petition as well as documents annexed to thereto.
4. The present writ petition has been filed by the petitioner with a prayer to quash the impugned order dated 29.07.2019 under Annexure-5 and for a direction to Opposite Party No.3 to issue appointment order in favour of the Petitioner.
5. It is submitted by learned counsel for the petitioner that the father of the Petitioner late Nimai Charan Mishra, while working as District Agriculture Officer, Angul died in harness on 26.02.2019 leaving behind his legal heirs. Thereafter, after the death of his father, the Petitioner applied for appointment under OCS(RA) Rule, 1990. Further, it is submitted by learned counsel for the petitioner that the application of the petitioner has been rejected by the authorities by the impugned order dated 29.07.2019 under Annexure-5. In this context, learned counsel for the petitioner relies upon the judgment rendered by

the Hon'ble Supreme Court in the case of *Malaya Nanda Sethy vrs. State of Orissa and others* : reported in 2022(II) OLR(SC)-1, *State of West Bengal-v.-Debabrata Tiwri* reported in (2023 (3) SCALE-557, *Suchitra Bal v. State of Odisha and others* in W.P.(C) No.2081 of 2021 & batch decided on 27.06.2023 and *State of Odisha and others vs. Bindu Sagar Samantaray* in W.A.No.810 of 2021. Relying upon the aforesaid judgments, learned counsel for the petitioner submits that the application of the petitioner needs to be reconsidered in the light of the judgment rendered by the Hon'ble Supreme Court as well as this Court.

6. Learned Additional Standing counsel appearing for the State, on the other hand, submits that during the pendency of the application submitted by the petitioner for appointment under rehabilitation assistance scheme, a new rule was enacted in the year 2020. Therefore, the authorities, by referring to the new rules, have rejected the application of the petitioner. He further submits that he has no objection, if a direction is given to the authorities to consider the grievance petition of the petitioner in accordance with law within a stipulated period of time.

7. Considering the submissions made by the respective parties, this Court deems it proper to dispose of the Writ Petition at the stage of admission by setting aside the impugned order dated 29.07.2019 under Annexure-5 and further remand the matter back to the Chief District Agriculture Officer, Angul District, Odisha, to reconsider the application of the petitioner afresh in the light of the law laid down by the Hon'ble Supreme Court in the case of *Malaya Nanda Sethy, Debabrata Tiwari, Suchitra Bal and Bindu Sagar Samabantaray* (supra) and the petitioner is directed to approach the Opposite Party No.3 along with certified copy of this order within a period of two

weeks from today. On appearance of the petitioner, the authority shall do well to consider the case of the petitioner and dispose of the matter by passing a speaking and reasoned order in accordance with law within a period of two months. Any decision so taken on the same shall be communicated to the petitioner within a period of ten days thereafter.

8. With the aforesaid observation/direction, the writ petition is disposed of.

9. Urgent certified copy of this order be granted on proper application.

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