Court

ORISSA HIGH COURT
1ST.
04 DEC 2024
CLEARANCE
DEPUTY REGISTRAR (J&E)

IN THE HIGH COURT OF ORISSA; CUTTACK

W. A. No.1038/2023

(Arising out of W.P.(C) No. 5105/2020
Disp. of 05.12.22)

State of Odisha and ors .... Appellants

-Versus-

Nimain Malik .... Respondent

WRITTEN SUBMISSION ON BEHALF OF RESPONDENT

INDEX

....

Cuttack   By the Respondent through

Dt.03.12.2024   Advocate.

SHREEKANTA PRASAD SAHOO
Enl. No.O-492/1987
Ph. No. 9337761469

IN THE HIGH COURT OF ORISSA; CUTTACK

W. A. No.1038/2023

State of Odisha and ors ..... Appellants

-Versus-

Nimain Malik ..... Respondent

WRITTEN SUBMISSION ON BEHALF OF RESPONDENT

1. That the writ appeal is not maintainable in facts and law. In the ordering portion, the Hon'ble High Court has directed to dispose of the case of the Respondent taking the case of Malayananda Sethy's case to consideration. The order was only a direction to dispose of the case of Respondent which is pending with them for a long time. The question arises how an appeal lies against a direction to consider a case pending with them.

2. That when the case was taken up for hearing, the judgment of Hon'ble Apex Court was read over in the presence of both the parties. The learned Govt. Counsel agreed to the facts and law decided by the Hon'ble Apex Court in Malayananda Sethy's case to the present case. Thereafter a direction was given to consider the case of Respondent taking Apex Court's judgment to consideration. The authorities have to decide the case of Respondent pending with them.

3. That against a direction to dispose of, how an appeal will lie even after agreement of the learned counsel for the state. In the writ appeal, the appellants want to say that the

Hon'ble High Court cannot direct them to dispose of the case pending with them.

4. That in their counter to writ application, they have admitted the position that the Respondent had applied in time and his case has been scrutinized and he was found suitable to be appointed under R.A. Rules, 1990. The Director had prepared a list of 45 applicants in whole of Odisha to be appointed. Government has approved for their appointments in different Education Districts.

5. That the Respondent comes under Kendrapara Education District. The Director had written letter to DEO, Kendrapara to submit vacancy position. The DEO, Kendrapara submitted 39 vacancy position out of which 23 were for Class-IV. The Respondents Sl. was 45 (both class-III and IV). The DEO, Kendrapara appointed some of them and when some remained un-appointed due to want of vacancy, the Director was intimated. The Director issued a letter the surplus applicants of one District can be adjusted in nearby districts. (Anx-C/3 to writ application).

6. That the DEO, Kendrapara sent the documents/papers of 8 (eight) number of applicants to the Director who sent the list to DEO, Jagatsinghpur for their appointment (Anx-C/3). Perhaps DEO, Jagatsinghpur appointed 5 applicants out of 8 and 3 remained un-appointed. Out of 3, the DEO, Kendrapara has appointed 2 in his Education District as admitted in his counter to writ application (Anx-E/3). Perhaps the Respondent is the only one who has not been given the appointment.

7. That when all these paper transactions among the DEO, Kendrapara, DEO, Jagatsinghpur and Director were going on 2016-R.A. Amendment came. When the Respondent approached the DEO, Kendrapara, he stated that the case of Respondent will be considered as per 2016 R.A. Amendment Rules. The Govt. issued a letter on 26.07.2017 to scrutinize and evaluate old cases within a period of six months. A true copy of the said Govt. letter dt.26.07.2017 is annexed as **ANNEXURE-A.** The DEO, Kendrapara assured him to consider his case very soon. The Respondent could not understand what 2016 Amendment. He waited for such consideration.

8. That the Respondent's father was a peon in a High School. Due to heart attack he expired. The Respondent is under Matric. They belong to very poor Scheduled Caste family. He thinks except him all those were empanelled in the list have been appointed. He has been singled out. The authority with some ulterior motive is neglecting him.

9. That the Respondent had applied for Gr.-D post i.e. peon post as he is under Matric. He is not claiming Clerical or any other Gr.-C post. He fulfills all the norms of all Amendment Rules, thereafter also with some ulterior motive to be gained over, the DEO's of Kendrapara and Jagatsinghpur are not giving him appointment.

10. That the authorities are delaying appointment on some plea and other. The Respondent had applied in time, all his documents were scrutinized and he was found eligible for appointment. Govt. approved the list of candidates, where the name of Respondent find place. Director sent the list to DEO, Jagatsinghpur to give him appointment. The DEO,

Jagatsinghpur, gave appointment to some applicants. Finally three remained, out of which Kendrapara DEO, adjusted two. The Respondent is the only one running from pillar to post.

11. That the Respondent came to know that vacancies are there in Kendrapara District, but the authority is not paying heed for his appointment.

12. That in the counter to writ application the authority had admitted the facts stated by the Respondent. Learned Counsel for the State after going through the judgment of Hon'ble Apex Court in Malayananda Sethy's case agreed the position that the Respondent's case is covered by that judgrnent.

13. That apart from that, the Respondent's case is covered in all the Amended Rules. Rule 6.10 of 2020-Amendment Rules says in all pending cases, the Appointing Authority shall collect the additional information regarding present distress condition from the applicant within six months from the date of publication and evaluate the application along with fresh application received within that six months. But in the mean time four years have passed, no action taken. Even they filed counter after the commencement of Amendment Rule but did whisper a single word about their action. Rule 6.8 says appointments to be made within one year.

14. That the Appellants have raised N.C. Santosh –v-State of Karnatak, where it has been clarified in Para-20 as follows:-

"Para-20. **Applying the law governing compassionate appointment culled out from the above cited judgments, our opinion on the point at issue is that the norms prevailing on the date of consideration of the application should be the basis for consideration of claim for compassionate appointment." Xx xx xx.**

In the present case, the application and documents of Respondent has been verified/considered in 2011, and he was found eligible, his name included in the list, this is prior to 2016 and 2020 Amendment Rules.

15. That this writ appeal is not maintainable as against an order of direction to dispose of, they have come in Appeal, that to after their agreement in facts and law. Hence the Writ Appeal has no merit and is liable to be set aside with cost.

16. That the Appeal Memorandum has not been verified by any of the Appellants, hence not admissible in eye of law.

VERIFICATION

I, Sri Nimain Malik, aged about 44 years, S/o late Hakim Malik, At/P.O-Gobindpur, Via-Gobindpur Kucheri, Dist-Kendrapara do hereby solemnly affirm and verify that the facts stated in this written Submission are true and correct to the best of my knowledge.

Cuttack

ନିମାଇ ମଲିକ

Dt.03.12.2024 VERIFICANT

Annexure- A

Government of Odisha
General Administration & Public Grievance Department

****

No. GAD-SC-RAS-0029-2014-16138 /Gen., Bhubaneswar, dated the 26th July, 2017

To

All Departments of Government/
All Heads of Departments/
All Collectors.

Sub: Applicability of the Odisha Civil Services (Rehabilitation Assistance) Rules, 1990 - Clarification regarding.

The Odisha Civil Services (Rehabilitation Assistance) Rules, 1990 have been amended in G.A. Department Notification No. 23345/Gen., dated 05.11.2016 effective from 07.11.2016 i.e. the date of its publication in the extra ordinary issue in the Odisha Gazette.

Consequent upon such amendment, the applications for appointment under R.A. Scheme are required to be scrutinized and evaluated by a Committee taking into consideration different parameters like income/assets/liabilities etc. of the bereaved family, constituted for the purpose by the competent authority under rule-8(b) of the said Rules. As per provisions under rule-8(d), the appointing authorities are competent to decide the appointment in deserving cases against 10% of the vacancies advertised in the year.

Previously, in order to streamline pending R.A. cases and ensure appointment of deserving candidates, this Department have issued instructions in order No. 19036/Gen., dated 04.08.2015 to refer cases pending for more than one year at the Department level to the Committee in G.A. Department for consideration. Although, a number of such cases have already been considered and disposed of prior to amendment of the said rules, a good number of applications are still pending at different Departments including the R.A. cases of less than one year.

After careful consideration of the above scenario, it has been decided by the Government that all Departments of Government shall follow the following instructions to decide appointment under Rehabilitation Assistance in deserving cases strictly according to the procedure of the R.A. Rules as amended by G.A. Department Notification No. 23345/Gen., dated 05.11.2016.

i. Scrutinize and evaluate the old cases prior to 07.11.2016 strictly as per Rules as amended by Notification No. 23345/Gen., dated 05.11.2016 instead of sending them to G.A Department for consideration. Such cases shall be scrutinized and evaluated within a period of six months.

ii. R.A. applications received after publication of the OCS (R.A.) Amendment Rules, 2016 (i.e on or after 07.11.2016) shall be decided by the Department strictly as per the OCS (R.A.) Amendment Rules, 2016 against 10% vacancies advertised in the year.

This Department order No. 19036/Gen., dated 04.08.2015 is accordingly superseded.

26/7/17

Special Secretary to Government

True copy attested

2nd copy

ORISSA HIGH COURT IST. 04 DEC. 2024 CLEARANCE DEPUTY REGISTRAR (J&E)

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ii. R.A. applications received after publication of the OCS (R.A.) Amendment Rules, 2016 (i.e on or after 07.11.2016) shall be decided by the Department strictly as per the OCS (R.A.) Amendment Rules, 2016 against 10% vacancies advertised in the year.

This Department order No. 19036/Gen., dated 04.08.2015 is accordingly superseded.

26/7/17

Special Secretary to Government

True copy attested

[O. H. C.–97-A]

MANOJA KUMAR
KHUNTIA,A.G.A

In the High Court of Orissa

ORDER SHEET

M/s Sreekanta Prasad Sahoo Cuttack

I.A. nos-2678/23
2679/23

BLAPL/W. P. (C) No. _____ of 20 23

WA No. 1038/2023

_____ *Petitioner*

STATE OF ODISHA
Versus

& ors.

NIMAIN MALIK _____ *Opposite-Party*

Sl. No. of Order	Date of Order	ORDER WITH SIGNATURE	Office note as to action (if any), taken on Order
			PRESENTED ON 16/05/2023 **Register and Put up for Orders** **Registrar (Judicial)** For CR 18-5-23 30/5/23 BIBHUDENDRA SARANGI ADDL. STAMP REPORTER

FC092535

SCANNED

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.A. No. 1038 of 2023

State of Odisha and Others ... ***Appellants***

Mr. Manoj Kumar Khuntia, Addl. Govt. Advocate

-versus-

Nimain Malik ... ***Respondent***

CORAM:
HON'BLE THE CHIEF JUSTICE
HON'BLE MISS JUSTICE SAVITRI RATHO

ORDER

Order No. **21.10.2024**

W.A. No.1038 of 2023

01. The matter is taken up through Hybrid mode.

2. Mr. M.K. Khuntia, learned Additional Government Advocate undertakes to furnish legible copies in order to remove the defects as pointed out by the Stamp Reporter.

I.A. No.2678 of 2023

3. This application has been filed by the appellants seeking condonation of delay of 132 days in filing the present intra-court appeal.

4. Notice be issued to respondent by Registered Post/Speed Post with A.D. returnable within four weeks. Requisites be filed by 25.10.2024.

5. List this matter on 18.11.2024.

(Chakradhari Sharan Singh)
Chief Justice

(Savitri Ratho)
Judge

SK Jena/Secy.

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.A. No. 1038 of 2023

State of Odisha and others .... ***Appellants***

Mr. Bimbisar Dash, Additional Government Advocate

-versus-

Nimain Malik .... ***Respondent***

Mr. S.P. Sahoo, Advocate

CORAM:
HON'BLE THE CHIEF JUSTICE
HON'BLE MISS JUSTICE SAVITRI RATHO

ORDER
18.11.2024

Order No.

02. This matter is taken up through Hybrid mode.

2. Mr. S.P. Sahoo, learned counsel appearing on behalf of the sole respondent prays for an adjournment to address this Court on the question of applicability of the decision of the Supreme Court in the case of ***Malaya Nanda Sethy v. State of Odisha 2022 SCC OnLine SC 684*** on the next date.

3. List this matter tomorrow, i.e., on 19.11.2024 as prayed for.

(Chakradhari Sharan Singh)
Chief Justice

(Savitri Ratho)
Judge

S. Behera

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.A. No. 1038 of 2023

State of Odisha and others .... ***Appellants***

Mr. Bimbisar Dash, Additional Government Advocate

-versus-

Nimain Malik .... ***Respondent***

Mr. S.P. Sahoo, Advocate

CORAM:
HON'BLE THE CHIEF JUSTICE
HON'BLE MISS JUSTICE SAVITRI RATHO

ORDER

Order No. **19.11.2024**

03. ***I.A. No.2678 of 2023***

This matter is taken up through Hybrid mode.

2. This application has been filed by the applicants/appellants seeking condonation of delay of 132 days in filing this writ appeal.

3. Mr. S.P. Sahoo, learned counsel appearing on behalf of the respondent submits that his case is squarely covered by the decision of the Supreme Court in the case of ***Malaya Nanda Sethy v. State of Odisha 2022 SCC Online SC 684*** for which, the matter should be heard on merit.

4. Considering the grounds taken in this application and in the interest of justice, we are inclined to condone the aforesaid delay in filing the writ appeal.

5. The delay of 132 days in filing the writ appeal is condoned. This application is accordingly allowed and disposed of.

W.A. No.1038 of 2023

6. List this matter on 10.12.2024 for fresh admission.

7. A copy of the memorandum of appeal is served on Mr. S.P. Sahoo, learned counsel appearing on behalf of the respondent in the Court.

(Chakradhari Sharan Singh)
Chief Justice

(Savitri Ratho)
Judge

S. Behera/A Nanda

IN THE HIGH COURT OF ORISSA

Case No. WA-1038/2023

OFFICE NOTES

Sl. No. of Order for compliance	Date of Order for compliance	Notes and action taken on order with signature of Dealing Assistant and Superintendent
		1) I.A no - 2678/23 is at Flag-'A' for condonation of delay. 2) Defect no - 9 as per SR not removed. For Orders Along with WP(C) - 5105/2020 (a disp. of case) Biswabhusan Nahak DB 22-08-24 Memo No- 20438 Date - 28/10/24. Notice on limitation matter issued to the sole respondent by R.P with AD fixing on 11.11.24 for appearance & show cause. 26/8/24

IN THE HIGH COURT OF ORISSA

Case No. WA - 1038 / 23

OFFICE NOTES

Sl. No. of Order for compliance	Date of Order for compliance	Notes and action taken on order with signature of Dealing Assistant and Superintendent
		legible copy of page no - 22, 23 & 35 to 37 filed, hence defect no 9 as per SR removed. 13/11/24 M/s Sreekanta Prasad Sahoo entered appearance for the sole respondent. 13/11/24
01	21.10.24	Order No-1 1) Further order on I.A no - 2678/23 is at Flag - 'A' for condonation of delay. For Order Along with WP(C) - 5105 / 2020 (as disp. of case) Biswabhusan Nahak 13-11-24 DD Adj. to 18.11.24 13/11

IN THE HIGH COURT OF ORISSA

Case No. WA-1038/2023

OFFICE NOTES

Sl. No. of Order for compliance	Date of Order for compliance	Notes and action taken on order with signature of Dealing Assistant and Superintendent
		Note of submission filed on behalf of the respondent kept in the beginning of the record. Nahak 06/12/24
03	19.11.2024	Order No-03 For Fresh Admission 1) IA no-2679/23 is at Flag-'B' for stay. Along with WP(C)-5105/2020 (a disp. of case) DB Biswabhusan Nahak 06/12/2024 Adj. to 10.12.2024 Bsd 7/12/24

ORISSA HIGH COURT

FILING ACKNOWLEDGEMENT SLIP

CNR	**ODHC010387692023**
Filing No	**WA/0001038/2023**
Date and Time	**16/05/2023-12:56:05**
Misc Case/IA	2678/2023,2679/2023
Petitioner Name	STATE OF ODISHA
Petitioner Advocate Name	MANOJA KUMAR KHUNTIA,A.G.A
Respondents Name	NIMAIN MALIK
Respondents Advocate	
Amount	
Police Station	
FIR	-

Tuesday 16th of May 2023 03:16:08 PM

STAMP REPORT

CASE NO.....W.A. 1038/23

LIMITATION

Date of Judgement Awards	5.12.22	
Date of Valid Presentation	16.5.23	
Total Period Occupied	162	days
Limitation	30	days
Certified Copy Period	-	day
Delay in filing	132	days

1. In time .....N.A....Expired on 4.1.23
2. Period of delay 132 days delay. C.A. for condonation of delay filed.
3. Court Fee of Rs 10/- paid.
4. Authentication fee due on the
   (a) Copy of Trial Court Judgement
   Rs.....Nil..... Decree Rs.....Nil...
   (b) Appellate Court Judgement Rs....Nil paid
   Decree Rs.....Nil...
5. (a) Copy of Trial Court Judgement/Order Nil
   (b) Appellate Court/Revisional Order
   Judgement ~~xxxx~~ copy of impugned order filed.
   (c) Second Copy Petition filed.
   (d)Receipt showing copy on A.G Nil
   (e) Vakalatnama properly stamped,
   Executed and accepted memo of appearance filed.
6. (a)Cause Title in order
   (b)Provision of Law furnished
7. Code indicated.
8. Single Judge/Division Bench Case D.B.
9. Other Defects Pages 22, 23 and 35 to 37 are not legible.

30/5/23

STAMP REPORTER

BIBHUDENDRA SAMANTA

1. AHO / AS / CMPA / CMPAT / CMPMC / CRA / CRMC / CRRVE / CRRV CVA / VCREF / CVREV / CCRVE / DREF / EC / PE / FA / GA / JCRA JCRMC / JCRREV / MA / MJC / MREF / OCMC / OJC / OS / SA SCA / SJC / SM / SH / TA / TMC:

Case Type W.A. No. 1038 / 2023

Date of Regn. _____

2. If 'State' is a Party, Name the Deptt.:(Pet/Res) (Put mark)/
School & Mass Education Department

If Public Undertakings(Specify name):(Pet/Res)(put mark)

3. (a) Number of category with sub-category under which the matter falls:

3	1	0	7	0	5

If OTHERS, Specify the subject

(b) Which is applicable ? (put mark)

(Single Bench/Div. Bench/Three Judge Bench/Five Judge Bench)

4. Article of the Constitution/Act (Central/State)(Put mark(

5. Section/Sub-Section involved:

6. Rules involved An appreciation under Claus. 10 of Letters patents Appeal read with Article. 4 of O.H.C.

7. Whether any other matter is pending in this Court on the same point of law :

If so, give the number of matter _____

8. Whether any other matter is pending against the impugned order/ Judgement ?

If so, give the number of matter _____

9. Whether the matter is covered by any judgment of the Supreme Court, this Court or any other High Court, if so give details of the judgement :

10. Point of law involved in the matter Challenging the order Dt. 05/12/2022.

Dt-11/05/2023

MANOJA KUMAR KHUNTIA
Additional Govt. Advocate
B.C.E No.-O-98/1994
M-9437168044

High Court of Orissa

Acknowledgement

CNR	: ODHC010387692023		
Efiling No	: AOD20220001895C202300162		
Filing No.	: WA/1038/2023	Date of Filing	: 16-05-2023
Petitioner	: STATE OF ODISHA	Time of Filing	: 12:56:05
Petitioners	: MANOJA KUMAR	Respondent	: NIMAIN MALIK
Advocate	KHUNTIA,A.G.A		
Amount	: 0.00		

Print

IN THE HIGH COURT OF ORISSA : CUTTACK

W.A. No. 1038 **of 2023.**

(Arising out of W.P. (C) No. 5105 of 2020
disposed of on 05.12.2022.)

Code No. 310705

State of Odisha and others. ... Appellants.

-Versus-

Nimain Malik. ... Respondent.

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Cuttack
Date : 10/05/2023

Addl. Government Advocate.

MANOJA KUMAR KHUNTIA
Additional Govt. Advocate
B.C.E No.-O-98/1994
M-9437168044

Appendix-I **A**

SYNOPSIS

The State Government and its functionaries have preferred this intra-court appeal challenging the legality and propriety of the order dated 05.12.2022 passed by the Hon'ble Single Judge passed in W.P. (C) No.5105 of 2020, wherein and where under the Hon'ble Single Judge on the very first day of hearing, disposed of the Writ Petition filed by the Respondent in the light of the judgment passed in the case of the Malaynanda Sethy Vrs. State of Odisha and Others and also directed the State-Appellants to consider the case of the petitioner for appointment under the OCS(RA) Rule, 1990.

Cuttack
Date: 10/05/2023

Addl. Government Advocate.

MANOJA KUMAR KHUNTIA
Additional Govt. Advocate
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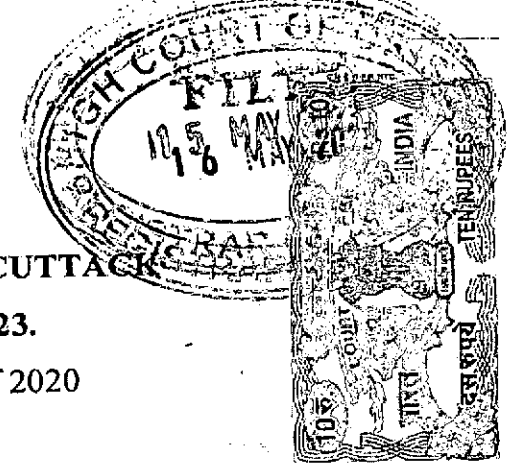
Appendix-II B

LIST OF DATES & EVENTS

Date	Events
29.11.2005	The father of the Respondent while working as Peon in Godabarish High School, Govindpur died on 29.11.2005.
24.05.2006	Thereafter the Respondent filed application under RA Scheme in the prescribed format.
05.12.2022	The present Respondent filed Writ petition bearing No. 5105 of 2020 which was disposed of on 05.12.2022 within an observation to consider the representation within a period of three months, which is impugned in the present writ appeal.
	Hence this writ appeal.

Cuttack
Date: 10/05/2023

Addl. Government Advocate.
MANOJA KUMAR KHUNTIA
Additional Govt. Advocate
B.C.E No.-O-98/1994
M-9437168044



IN THE HIGH COURT OF ORISSA : CUTTACK

W.A. No. 1038 **of 2023.**

(Arising out of W.P. (C) No. 5105 of 2020
disposed of on 05.12.2022.)

Code No. 310705

IN THE MATTER OF :

An application under Claus-10 of Letter Patents Appeal read with Article-4 of Orissa High Court Order, 1948 read with Rule-2 of Chapter-VIII, Orissa High Court Rules, 1948.

AND

IN THE MATTER OF :

Presented on. 16/5/2023

Registrar (Judicial)

A Memorandum of appeal challenging the order dated 05.12.2022 passed by the Hon'ble Single Judge in W.P. (C) No. 5105 of 2020.

AND

IN THE MATTER OF :

1. State of Odisha, represented through its Commissioner-cum-Secretary to Govt., School and Mass Education Department, At-Lokseva Bhawan, Bhubaneswar, Dist: Khurda.
2. Director of Secondary Education, Odisha, Heads of Department Building, At/Po: Bhubaneswar, Dist: Khurda.

MANOJA KUMAR KHUNTIA
Additional Govt. Advocate
B.C.E No.-O-98/1994
M-9437168044

3. District Education Officer, Kendrapara, At/Po/Dist: Kendrapara.

(Opp. Party Nos.1 to 3 in the writ petition)

... **Appellants.**

-Versus-

Nimain Malik, aged about 43 years, Son of Late Hakim Malik, At/Po-Gobindpur, Via-Govindpur Kuchery, Dist: Kendrapara.

(Petitioner in the writ petition)

... **Respondent.**

The matter out of which this writ appeal arises was before this Hon'ble Court in W.P. (C) No. 5105 of 2020, which was disposed of on 05.12.2022 by the Hon'ble Single Judge.

TO

THE HON'BLE CHIEF JUSTICE, ORISSA HIGH COURT AND HIS LORDSHIPS COMPANION JUSTICES OF THE SAID HON'BLE COURT.

The humble petition of the appellants named above;

MOST RESPECTFULLY SHEWETH:

1. That, the appellants above named, who are the functionaries of the State of Odisha, have filed aforesaid memorandum of appeal challenging the order dated 05.12.2022 of the Hon'ble single Judge passed in W.P. (C) No.5105 of 2020, wherein the Hon'ble Single Judge in the operative portion of the judgment passed the following order:

"XXX XXX XXX

cert.

MANOJA KUMAR KHUNTIA
Additional Govt. Advocate
B.C.E No.-O-98/1994
M-9437168044

In the above view of the matter, this writ petition stands disposed of directing the opposite parties-authority to consider the case of the petitioner in the light of the judgment passed by the Apex Court in the case of Malaya Nanda Sethy (supra) and pass appropriate order in accordance with law within a period of three months from the date of production of certified copy of this order.

XXX XXX XXX"

2. That, it is submitted that such order passed by the Hon'ble Single Judge is not only erroneous and contrary to the law but also the same is gross violation of principle of natural justice and also contrary to the material available on record, for which the State appellants finding no other alternative approached this Hon'ble Court by filing the present intra-court appeal. Hence this writ appeal.

3. That, the present appellants are State and functionaries of the State of Odisha and the cause of action for filing the memorandum of appeal arises within the territorial jurisdiction of this Hon'ble Court.

4. That, the factual matrix of the present case as revealed from the averments made in the writ petition that the father of the petitioner namely Late Hakim Malik while working as Peon in Godabarisha High School, Gobindpur died on 29.11.2005. It is also stated by the Respondent before the Hon'ble Single Judge that after the death of the father of the Respondent, the competent authority has issued a legal heir certificate.

4. That, the Respondent has submitted that he made an application before the present Appellant No.3 in prescribed format on 24.05.2006 for appointment under the Rehabilitation

MANOJA KUMAR KHUNTIA
Additional Govt. Advocate
B.C.E No.-O-98/1994
M-9437168044

Assistance Scheme and after receipt the application of the present Respondent the same was forwarded to the Director, Secondary Education, Odisha and after thorough scrutiny of the said proposal the Opp. Party No.2 approved the proposal and returned the application to reconsider under the Odisha Civil Service (Rehabilitation Assistance) Rules, 2016.

5. That, the respondent submitted that since no action was taken to consider such application, he filed a writ petition before this Hon'ble Court bearing W.P. (C) No. 5105 of 2020 seeking a direction to give him appointment under Rehabilitation Assistance Rules at an early date as a long time has passed in the meantime from the date of application and to draw and disburse his salary just after his appointment. Copy of writ petition along with its annexures is filed herewith and marked as **Annexure-1** series.

6. That, it is humbly submitted that after receipt of notice, the present appellant No.3 filed counter affidavit denying the claim of the respondent being devoid of any merit. The copy of the counter affidavit is filed herewith as **Annexure-2**.

7. That, the aforesaid writ petition was listed before the Hon'ble Single Judge for the first time on 05.12.2022. The Hon'ble Single Judge without considering the counter affidavit file by the Appellant No.3, disposed of the writ petition by directing the State appellants to consider the case of the petitioner in the light of judgment passed by the Apex Court in the case of Malayananda Sethy (supra) and pass appropriate order in accordance with law within a period of three months.

Copy of order dated 05.12.2022 is filed herewith and marked as **Annexure-3**.

Being aggrieved by the aforesaid order dated 05.12.2022 passed in W.P. (C) No. 5105 of 2020 of the Hon'ble Single Judge the present appellants challenge the same on the following amongst other;

GROUNDS

A. For that the order passed by the Hon'ble Single Judge under Annexure-3 is not at all sustainable as the Hon'ble Single Judge has not appreciated the fact and law involved in the case in its proper prospective, for which the impugned order under Annexure-3 passed by the Hon'ble Single Judge by disposing the writ application at the stage of admission in the light of judgment passed in the case of Malayananda Sethy is liable to be quashed.

B. For that the impugned order passed by the Hon'ble Single Judge is not tenable in the eye of law for the simple reason that the Hon'ble Single Judge without providing any opportunity to the State appellants for filing its response has disposed of the matter at the stage of admission by directing the State Government to consider the case of the Respondent, which is required to be quashed, as the Hon'ble Single Judge has not decided the claim of the Respondent as to whether

he is entitled to be appointed under Rehabilitation Assistance scheme or not and without adjudicating the matter on merit, the direction of the Hon'ble Single Judge at the stage of admission is not at all sustainable in the eye of law and such order passed by the Hon'ble Single Judge is not only contrary to law, but also same is contrary to the statutory rule governing the field. Hence the impugned order is liable to be quashed.

C. For that it is submitted by the present Respondent That she had applied for appointment under Rehabilitation Assistance on 24.05.2006 in the proper form when Rehabilitation Rule 1990 was in force. In this regard it is humbly submitted that the present appellant No.3-District Education Officer, Kendrapara considered the application of the present respondent by way of computing points under OCS (RA) Rules, 2020.

D. For that it is humbly submitted that challenging the order of the present appellant No.3-District Education Officer, Kendrapara, the present respondent had filed writ petition bearing W.P. (C) No. 5105 of 2020.

E. For that the Hon'ble Single Judge without verifying the fact in issue in the instant case and without examining the ratio decided in Malaya Nanda Sethy case (supra) and without perusing the pleadings and material documents available

on record illegally and most unreasonably disposed of the writ petition directing the Appellants to consider the case of the respondent in the light of the principle decided in the case of Malaya Nanda Sethy (supra) and accordingly illegally directed to extend the benefit to the respondent within a period of 3 months from the date of communication of the order. It is humbly submitted that such an observation of the Hon'ble Single Judge is an outcome of total non-consideration of the material facts and pleadings made by the State authorities and the aforesaid findings and observations arrived at by the Hon'ble Single Judge resulted in grave miscarriage of justice. Hence the impugned order is liable to be set aside.

F. For that it is humbly submitted that the matter relating to appointment under the Rehabilitation Assistance scheme has already been set at the rest by the Hon'ble Apex Court in the case of N.C. Santosh Versus State of Karnataka and others reported in 2020(7) SCC, page 617, where the Hon'ble Apex Court have clearly held that the norms prevailing on the date of consideration of the application should be the basis for consideration of claim for compassionate appointment. Therefore, in the instant case since the Odisha Civil Service (Rehabilitation

Assistant) Rule, 1990 is no more available in view of the introduction of the new rule in the year 2020 and more particularly the said new rule 2020 is yet to be made applicable in respect of either fully aided institution or block grant institution, therefore, the very writ petition filed by the present Respondent before the Hon'ble Single Judge is thoroughly misconceived and contrary to settled position of law and the Hon'ble Single Judge has not considered the said legal aspect while passing the impugned order. Hence the impugned order passed by the Hon'ble Single Judge is liable to be quashed.

G. For that the Hon'ble Single Judge while passing the impugned order has not taken into consideration of Rule 6 (9) of Odisha Civil Service (Rehabilitation Assistance) Rules, 2020. In that Rule it is provided that "all pending cases as on the date of publication of these rules in the Odisha Gazette shall be dealt in accordance with the provision of these rules. Though the present Respondent No.1challenged the rejection order in the writ application on the ground that his case will be considered in the old rules i.e. Odisha Civil Service (Rehabilitation Assistance) Rules, 1990, but he has not choose to challenge the 6.9 of Odisha Civil Service (Rehabilitation Assistance) Rules, 2020, wherein it was provided

that all pending cases will be dealt in accordance with the Rule, 2020. Therefore, in absence of such challenge, the writ application before the Hon'ble Single Judge is not maintainable. The Hon'ble Single Judge has also not considered the said rule while disposing the matter and directed that his case may be considered in the old rules on the basis of Malayananda Sethy's case. In absence of challenge of 6.9 of Odisha Civil Service (Rehabilitation Assistance) Rules, 2020, which is a statutory rule under Article 309 of the Constitution of India, the direction made in the writ petition is not sustainable in the eye of law.

H. For that it is a fact with regard to applicability of the rule in respect of appointment under Rehabilitation Assistance Scheme, though there are some conflicting judgments not only passed by this Hon'ble Court, but also by the Hon'ble Apex Court, but issue decided in the case of N. C. Santosh as referred in the foregoing paragraph is a larger Bench judgment which is binding over all other judgment and more over the very same issue with regard to applicability of the norms for consideration of Rehabilitation Assistance application is also pending and referred to a larger bench in the case of State Bank of India Versus Sheo Shankar Tewari reported in (2019) 5 SCC 600 and the said issue is still pending before the

Hon'ble Apex Court. Basing on such issue pending before the Hon'ble Larger Bench of the Hon'ble Aapex Court, the Division Bench of this Hon'ble Court vide its order dated 27.07.2022 in W.P. (C) No. 37575 of 2020 observed that awaiting the judgment of larger bench of the Hon'ble Apex Court in the above case adjourned the said case as sine die till the final decision of the Hon'ble Supreme Court. Therefore, since the issue is pending before the Hon'ble Apex Court in the larger bench and more over another larger bench in the case of N.C. Santosh (supra) wherein it has been held that the norms prevailing on the date of consideration of the application should be the basis for consideration of claim for compassionate appointment. Therefore, the Respondent is not entitled to be appointment under Rehabilitation Assistance Scheme, but the order of the Hon'ble Single Judge for consideration of the case of the Respondent relying the judgment in the case of Malayananda Sethy is appears to be not sustainable in the eye of law for which the impugned order under Annexure-3 is liable to be quashed.

I. For that the impugned order passed by the Hon'ble Single Judge is also liable to be quashed for the reason that admittedly the Respondent prayed before the Hon'ble Single Judge to give

her appointment under R.A. Scheme Rule, 1990, but the Hon'ble Single Judge erroneously disposed of the writ petition at the stage of admission, therefore the order passed by the Hon'ble Single Judge is not sustainable in the eye of law, hence the impugned order passed the Hon'ble Single Judge is liable to be quashed.

J. For that, it is well settled principle of law that appointment on compassionate ground is not a matter of right and since the father of the Respondent died in 2012 and in the meantime more than ten years have already been passed and such a belated stage the claim of the Respondent cannot be sustained and the same is contrary to the aims and object provided for compassionate appointment. Therefore, the claim of the Respondent is not at all tenable in the eye of law, hence the same is liable to be quashed.

K. For that judging from any angle the order passed by the Hon'ble Single Judge cannot sustain in the eye of law and the same is liable to be quashed.

L. For that in view of the aforesaid facts and circumstances the order dated 05.12.2022 of the Hon'ble Single Judge passed in W.P. (C) No. 5105 of 2020 is not sustainable in the eye of law, accordingly the same may be quashed.

PRAYER

It is, therefore, most humbly and respectfully prayed that this Hon'ble Court may graciously be pleased to admit the appeal, issue notice to the respondents, call for the records and after hearing the parties the Hon'ble Court may be pleased to quash the impugned order dated 05.12.2022 passed by the Hon'ble Single Judge in W.P. (C) No. 5105 of 2020 under Annexure-3 and further the writ petition filed by the present Respondent before the Hon'ble Single Judge may be dismissed being devoid of any merit;

And may pass such other order/orders as may be deemed just and proper for the ends of justice.

And for this act of kindness the appellants as in duty bound shall ever pray.

By the appellants through;

Cuttack,
Date: 10/05/2023

MANOJA KUMAR KHUNTIA
Additional Govt. Advocate
B.C.E No.-O-98/1994
M-9437168044

CERTIFICATE

Certified that the grounds set forth above are good grounds involving substantial question of law to be canvassed in this appeal and having prepared and filed. I undertake to support the same at the time of hearing if instructed.

Further certified that due to non-availability of cartridge papers plain blue papers have been used.

Cuttack
Date: 10/05/2023

Addl. Government Advocate.

MANOJA KUMAR KHUNTIA
Additional Govt. Advocate
B.C.E No.-O-98/1994
M-9437168044

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IN THE HIGH COUTRT OF ORISSA: CUTTACK

W.P. (C) No. 5105 /2020

Code No.310705

Nimain Malik .... **Petitioner**

-Versus-

State of Odisha and others .... Opp. Parties

REHABILITATION APPOINTMENT

INDEX

.....

Cuttack

By the petitioner through

27.4.23
District Education Officer
KENDRAPARA

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IN THE HIGH COURT OF ORISSA: CUTTACK

W.P.(C) No. 5105 /2020

CODE No.310705

In the matter of:

An application under Article 226 of the Constitution of India,

And

In the matter of:

'Appointment under Rehabilitation Assistance Rules; 1990"

And

In the matter of:

Nimain Malik, aged about 40 years,
S/o late Hakim Malik, At/P.O.-Gobindpur,
Via-Gobindpur Kuchery, Dist-Kendrapara.

.... Petitioner

-Versus-

1. State of Odisha, represented through its
   Commissioner-cum-Secretary to Govt. of Odisha,
   School and Mass Education Department,
   Secretariat, Bhubaneswar, Dist-Khurda.

2. Director of Secondary Education, Odisha,
   Bhubaneswar, Dist-Khurda.

3. District Education Officer, Kendrapara
   At/P.O-Kendrapara, Dist-Kendrapara.

.... Opp. Parties.

The matter out of which this writ application arises was never before this

The humble petition of the above-named petitioner,

MOST RESPECTFULLY SHEWETH:-

1. That the petitioner is a citizen of India. The cause of action out of which this writ application arises is within the territorial jurisdiction of this Hon'ble Court.

2. That the petitioner challenges the inaction of the authorities in not considering his case for Rehabilitation appointment, which is pending with the authorities long since.

3. That the brief fact of the case is that the petitioner's father, Hakim Malik (late) was working as a Peon, in Godabarisha High School, Gobindpur in the district of Kendrapara. The appointment of petitioner's father was approved and he became an approved staff of the School. The School in question was an aided educational Institution and subsequently it was taken over by the Government and became a New Govt. High School, w.e.f. 01.06.1994.

4. That while working as such, the father of the petitioner expired on 29.11.2005 due to Cardiac Arrest in Up-graded P.H.C., Aul. The death Certificate issued by Registrar Death and Births, U.G.P.H.C., Aul dt.02.12.2005 is annexed and marked as **ANNEXURE-1**.

5. That after the death of his father the petitioner obtained the legal heir Certificate from the Tehsildar, Aul. He also obtained Income Certificate, Caste Certificate from the Tehsildar, Aul as he belongs to Schedule Caste. The petitioner also obtained the "No Objection Affidavits" from other legal

With all those documents the petitioner applied for appointment under Rehabilitation Assistance Rules on 24.05.2006.

7. That the School authorities sent all the papers/documents to DEO, Kendrapara for necessary action. The DEO, verified all the documents submitted by the petitioner and found in order and obtained the distress certificate from the District Collector. From the Office of DEO, Kendrapara the petitioner came to know that his application and other connected papers have been sent to the Office of Director Secondary Education for approval.

8. That after getting the applications from the candidates, the Director Office prepared a list of candidates applied for. A true copy of the said list along with the letter of Director dt.27.09.2010 is annexed and marked as **ANNEXURE-2**.

9. That the petitioner has fulfilled all the formalities as required by the authorities, and his name finds place in Sl. No.45 of the list, but due to inaction of the authoritics, the petitioner has not been given appointment. He is running from pillar to post.

10. That it is pertinent to mention here that the post which fell vacant due to death of an employee, against that post any candidate applying under R.A. Scheme in that Circle is to be appointed. If 46 candidates were listed which implies 46 posts were vacant due to death/disability. Hence non-appointment for years together is just violation of R.A. Rules.

11. That the petitioner is a poor Schedule Caste unemployed candidate. No member of his family is in any Govt. or Private job. So in order to save his family from harness, he had applied for employment under the

Odisha, Bhubaneswar on 08.04.2019 for consideration of his claim for appointment under the Rehabilitation Scheme. But as yet the authorities are silent over the matter. True copies of representations dt.08.04.2019 are annexed and marked as **ANNEXURE-3**. It is a matter of great regret that some persons similarly situated when have been given appointment under the said Scheme, the case of the petitioner has been neglected and he has been singled out.

13. That such inaction on the part of the authorities is bad and illegal. The authorities are giving appointment to their sweet will. The petitioner is running from pillar to post, but the authorities are giving him assurance only.

14. That finding no other alternate and efficacious remedy, the petitioner invokes your Lordships extra-ordinary jurisdiction under Article-226 of the Constitution for redressal of his grievance.

PRAYER

It is therefore prayed that, the Hon'ble Court may be graciously pleased to issue notices to the opposite parties under Article 226 of Constitution of India and more particularly may issue writ of mandamus/ order/direction/declaration as follows:-

(i) Writ of mandamus directing the opposite parties especially O.P.s No.2 and 3 to issue appointment order under the Rehabilitation Assistance Rules at an early date as a long time has passed in the meanwhile from the date of his application.

(ii) Direction directing the opposite party No.3 to draw and disburse his salary just after his appointment

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- 3 -

AFFIDAVIT

I, Sri Nimain Malik, aged about 40 years, S/o late Hakim Malik, At/P.O.-Gobindpur, Via-Gobindpur Kuchery, Dist-Kendrapara do hereby solemnly state and affirm as follows:-

1. That I am the petitioner in this writ application.

2. That the facts stated in this application are true and correct to the best of my knowledge and belief based on record.

Identified by

Advocate

Deponent

CERTIFICATE

Due to non-availability of cartridge papers thick white papers are used.

Advocate.

CERTIFICATE

The contents of writ application are read over and explained to petitioner in Oriya Language.

Advocate

-19- -6-

FORM No. 10

(*See* Rule 8)

GOVERNMENT OF ORISSA

DEPARTMENT OF HEALTH & FAMILY WELFARE

CERTIFICATE OF DEATH Issued under Section 17 of the Registration of Births and Deaths Act, 1969

This is to certify that the following information has been taken from the original record of death which is in the for Death-2005 of UP Gonds of P.H.C. Aul of tahsil Aul of (lo... district Kendrapara of State of ORISSA

Name Hakim Malik

Sex Male

Date of death 29-11-2005

Place of death Gobindapur

Name of father/~~mother/husband~~ Late Chakradhar M.

Nationality Indian

Registration No. 309.

Date of Registration 30-11-2005

Signature of issuing Authority 1/12/05

REGISTRAR
BIRTHS & DEATHS
U.G.P.H.C AUL, KDP.
Health & F.W. Deptt., Govt. of Orissa

Seal

Date 2nd Dec.'2005

Permanent address At- Gobindapur
P.O- Gobindapur- Kutchery
P.S- Aul, Dist- Kendrapara

07/07/18
Ayurvedic Medical Officer
G... Jajpur
Dist.-Jajpur

OGP—PTS (Forms) 217—50,000—9-4-1999

True copy attested

Advocate

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Anx-2

DIRECTORATE OF SECONDARY EDUCATION, ORISSA, BHUBANESWAR.

No.- 4A-II-87-10/17060 (19) /Dt.-30.09.2010

To

The Inspector of Schools,
Balasore/Bhadrak/Bolangir/Cuttack/Dhenkanal/Ganjam/Jagatsinghpur/Jajpur/Jeypore/Kalahandi/Kendrapara/Keonjhar/Khurda/Koraput/Mayurbhanj/Phulbani/Puri/Sambalpur/Sundargarh circle.

Sub: Appointment under R.A. Scheme as per Government approval – (3rd phase eligible list).

Sir,

Government letter No.15683 /SME. dt.30.8.2010 along with the list of candidates eligible for appointment under R.A. Scheme duly approved by Govt. relating to your circle is enclosed.

You are requested to follow the instructions contained in the Govt. letter cited above strictly and scrupulously.

Besides, instructions given below should also be followed before issue of posting order.

a) The appointing authority shall ensure that the application in the prescribed form has been received within the stipulated period i.e. one year from the date of death /invalidation, in accordance with the Rule 5(6) & (7) of the OCS (RA) Rules, 1990.

b) In case of "C.A. all Ok" (Change of Applicant) it should be ensured that the first application made by the legal heir earlier has been submitted in prescribed format within the prescribed time limit against which the present applicant has been considered for appointment under R.A. Scheme.

c) The annual income shall be calculated as per Letter No. 845/Gen dt. 13.01.2009 communicated to you earlier.

d) The statement showing the circle wise vacancy position as on 31.12.2009(including non-joining vacancies of 2nd phase) duly approved by Govt. for the purpose along with the name of the eligible candidate relating thereto is enclosed herewith.

e) Before appointment orders are issued, the physical abolition of 7½% base level vacant post as on 1.4.04 should be ensured by you with reference to this Directorate letter No.56623 dt. 16.12.04 and appointment in the vacant post should be taken up only after such abolition. At the time of filling of the vacant posts, the prescribed yardstick within the sanctioned post of each respective institution should be taken into account. No vacancy in respect of schools other than Old and New Govt. Schools are included in the vacancy position. No post should be filled up exceeding the vacant posts provided by Govt.

f) No application of the legal heir of the deceased / invalid employee of the Non-Govt. Aided Institutions (under 610 Plan, 48 Non-Plan, Block Grant Schools and prior to taken over of the School) shall be entertained. Cases found if any, out of the list supplied herewith, should be brought to the notice of the DSE/DEE and Govt. immediately. In this connection Para (n) of the aforesaid Govt. letter shall strictly be adhered to. The instruction contained at Para No.(i) in Govt. letter No.15683 /SME dt.30.08.2010 should strictly be adhered to relating to priority of legal heir under R.A. Scheme.

g) Suppression of correct information or furnishing of false information/document in the application shall render the applicant liable for removal from service in addition to other legal action to which he/she may be liable under the existing Law and this will also debar other members of his family from getting appointment as per the provision under Rule 10 of the OCS(RA) Rules,1990 . The appointing authority/forwarding authority shall also be responsible if any deviation is noticed as per rule.

h) No candidate should be appointed beyond yardstick of the institution.

ii) As per the Govt. instruction, the appointment will be given to the eligible candidate as per the date death/disability seniority of the Government employee.

You are therefore requested to take immediate steps to appoint the eligible candidates under R.A. Scheme at your level as per above decision of Govt. as well as the instructions of the undersigned and report compliance in respect of each candidate in the enclosed format - A & B as given below along with a soft copy of the same through special messenger soon after the process is completed.

All the above process should be completed within 15 days from the date of receipt of the letter.

Yours faithfully,

JOINT DIRECTOR(SE)

Memo No. 47001 /Dt. 27 .09.2010

Copy along with copy of list of candidates forwarded to Director, Elementary Education, Orissa for information and necessary action.

JOINT DIRECTOR(SE)

Memo No. /Dt. .09.2010

Copy along with copy of list of vacancy forwarded to Joint Secretary to Govt. of Orissa, Dept. of School & Mass Education, BBSR for favour of information.

JOINT DIRECTOR(SE)

FORMAT-A

Statement showing the details of each candidate approved by Government in 3rd phase for appointment under R.A Scheme as directed ________ Circle

SNo	Name of the applicant along with His /Her name of deceased/invalid parent	Sl. No. in the ...	To the post appointed and Circle/Edn. Dist.	Appointment order No. & dt.	Date of joining or reason for not joining
1	2	3	4	5	6

Certified that the I have checked the correctness regarding information submitted in the above statement.

Signature of Inspector of Schools.

FORMAT-B

Statement showing the abstract of candidates appointed under RAS out of the eligible list approved by Govt. in 3rd phase under ________ Circle.

No.of vacancies allotted in 3rd phase			No. of candidates allotted	Nos of Candidates Found surplus & re-allotted to ____ & ____ Circle	No. of candidates re allotted fro... ____ & ____ Circle	No. of candidates joined class		No. of vacancies found unfilled with reason		... of candidates who have not joined and reason thereof.
Class-III	Class-IV	Total				Class-III	Class-IV	Class-III	Class-IV	
1	2	3	4	5	6	7	8	9	10	11

ELIGIBLE LIST APPROVED BY GOVERNMENT (3RD PHASE-NON-TEACHING-799)

Sl. No.	M.S.L. No.	Name of applicant	DOB	Qualification	Name of deceased person	Relation	Date of death/ Incapacitation	Category	Date of apply	Annual Income (in Rs/)	Name of the D/A	Name of the Circle	
1	149	Sanjat Ku. Das	05-07-1977	+2 Arts	Sukadev Das	Son	3-08-1994	Invalid	07-07-1995	22404	Kendrapara	Kendrapara	AI
2	150	Prakash Ch. Biswal	26-11-1971	+3 Arts (Kovd)	Damodar Biswal	Son	5-02-1995	Invalid	04-12-1995	22512	Kendrapara	Kendrapara	AI
3	203	Kishore Ch. Jena	28-11-1971	+3 Arts	Purnananda Jena	Son	3-04-1995	Invalid	05-06-1995	30772	Pattamundai	Kendrapara	AI C
4	256	Sanjaya ku. Das	28-09-1970	+3 Arts	Sarat Ch. Das	Son	2-08-1995	Invalid	07-12-1995	26304	Kendrapara	Kendrapara	AI C
5	325	Managovinda Biswal	08-02-1972	Madhyama	Padmanav Biswal	Son	2-03-1996	Death	16-11-1996	32504	Pattamundai	Kendrapara	AI C
6	351	Pravat Ranjan Mohanty	14-08-1977	+2 Arts	Gopal Ch. Mohanty	Son	9-06-1996	Invalid	26-06-1998	27154	Kendrapara	Kendrapara	AI C
7	453	Sailabala Swain	11-06-1966	X	Manas Ranjan Swain	Wife	0-03-1997	Death	11-08-1997	26652		Kendrapara	AI C
8	532	[illegible]	[illegible]-04-1970	[illegible]	[illegible]	Son	[illegible]-1998	Death	13-0[illegible]-1998	9000	Kendrapara	Kendrapara	AI C
9	576	Jagannath Pati	08-02-1975	HSC	Rabindranath Pati	Son	3-04-1998	Invalid	21-08-1998	30600		Kendrapara	AI O
10	635	Manoranjan Barik	04-01-1959	HSC	Batakrushna Barik	Son	8-08-1998	Invalid	27-02-1999	52624		Kendrapara	AI O
11	683	Manas Ranjan Dhal	17-07-1979	+2 (Arts)	Panchanan Dhal	Son	3-12-1998	Death	20-11-1999	37168	Pattamundai	Kendrapara	AI O
12	809	Aliva Das	10-07-1979	+2(Sc)	Pravat Nalini Mohanty	Daughter	4-11-1999	Death	06-01-2000	51192		Kendrapara	AI O
13	892	Prasanti Chhatoi	[illegible]-07-1973	+2 Arts	Purusottam Chhatoi	Daughter	11-07-2000	Death	23-10-2000	5000		Kendrapara	AI C
14	935	Bibhutibhusan Parida	16-02-1980	BSc	Bhagirathi Parida	Son	12-11-2000	Death	30-11-2000	7000		Kendrapara	AI OK
15	970	Smt. Subhransu Rana	05-06-1976	+3 Arts	Dhiren Ku. Mohapatra	Wife	07-02-2001	Death	28-08-2001	24163	Kendrapara	Kendrapara	AI OK
16	1018	Sarbeswar Rana	05-01-1972	[illegible]	Musel Rana	Son	14-07-2001	Death	31-08-2009	10000	Kendrapara	Kendrapara	LA
17	1036	Bibhu Prasad Acharya	15-0[illegible]-1974	+3 Com.	Pravati Mishra	Son	01-09-2001	Death	22-04-2002	47528	Kendrapara	Kendrapara	AI OK
18	1054	Nirupama Nayak	11-0[illegible]-1970	+2	Saroj Kumar Jena	Wife	07-10-2001	Death	17-07-2002	4000		Kendrapara	AI OK
19	1085	Sagar Ranjan Das	1[illegible]-04-1958	MA	Sarat Ch. Das	son	24-01-2002	Death	15-09-2002	12000		Kendrapara	AI OK
20	1133	Sarojini Das	14-09-1980	+3 Arts	Trilochan Das	Daughter	16-05-2002	Death	31-08-2002	50952	Kendrapara	Kendrapara	AI OK
21	1140	Suresh Ku. Das	27-01-1981	HSC	Babaji Ch. Das	Son	14-07-2002	Death	29-05-2003	34248		Kendrapara	AI OK
22	1154	Saroj Ku. Rout	08-10-1979	+2 Arts	Shyam Sundar Rout	Son	01-09-2002	Death	28-07-2003	50935	Pattamundai	Kendrapara	AI OK
23	1181	Amitabha Sahani	29-05-1974	M.A.,M.Phil	Uttam Ch. Sahani	Son	28-11-2002	Death	28-05-2003	20000		Kendrapara	AI OK
24	1253	Monalisha Sahoo	01-05-1984	+2 Sc	Nilamani Sahoo	Daughter	12-04-2003	Death	01-08-2003	54855		Kendrapara	AI OK
25	1265	Rashmibala Mallik	27-05-1976	+3 (Arts)	Ramesh Ch. Mallik	Daughter	03-05-2003	Death	18-08-2003	45844	Pattamundai	Kendrapara	AI OK
26	1295	Santosh Ku. Sahoo	10-07-1977	+3 (Com)	Kelu Charan Sahoo	Son	23-06-2003	Death	01-12-2003	53252	Pattamundai	Kendrapara	AI OK
27	1303	Utkal Niharika Sutar	12-07-1989	[illegible]	Suresh Chandra Sutar	Daughter	23-07-2003	Death	20-09-2003	55770		Kendrapara	CA ALL
28	1314	Bira Bikramdev Biswal	21-0[illegible]-1977	[illegible]	Basudev Biswal	Son	03-07-2003	Death	22-12-2003	43360		Kendrapara	AI OK

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ELIGIBLE LIST APPROVED BY GOVERNMENT (3RD PHASE-NON-TEACHING-799)

Sl. No.	M.SL. No.	Name of applicant	DOB	Qualification	Name of deceased person	Relation	Date of death/ Incapacitation	Category	Date of appln	Annual Income (In Rs/)	Name of the D/U	Name of the Circle		Remarks
29	1326	Girija Prasad Sahoo	25-07-1977	+3 Sc	Gobinda Prasad Sahoo	Son	11-08-2003	Death	20-11-2003	58900		Kendrapara	AE OK	
30	1379	Debabrata Mana	06-03-1982	+2	Kahan Kumar Mana	Son	29-10-2003	Death	11-02-2004	52656		Kendrapara	AE OK	9778399
31	1437	Rashmi Kanta Sethi	13-12-1977	H.S.C	Radhashyam Sethi	Son	23-07-2004	Death	30-05-2005	35092	Pattamundai	Kendrapara	AE OK	
32	1452	Soumya Prakash Tripathy	03-05-1985	H.S.C	Sudhansu Ku. Tripathy	Son	18-02-2004	Death	01-02-2005	54500	[illegible]	Kendrapara	AE OK	
33	1483	[illegible] Panda	04-01-1976	H.S.C	Padmanav Panda	Son	11-04-2004	Death	20-12-2004	33092		Kendrapara	AE OK	
34	[illegible]	Manindra Ku. Das	22-06-1982	+3 Sc	Trilokyanath Das	Son	14-05-2004	Death	04-10-2004	59100		Kendrapara	AE OK	
35	1512	Abhiram Roul	12-03-1979	M/Com.	Udhab Ch. Roul	Son	30-05-2004	Death	26-08-2004	54720	Pattamundai	Kendrapara	AE OK	
36	1529	Sarojini Sahoo	10-01-1953	HSC	Niranjan Sahoo	Wife	30-06-2004	Death	04-03-2005	6000		Kendrapara	CA AE OK	
37	1553	Ashok Ku. Dash	03-05-1983	H.S.C	Padmanav Das	Son	24-02-2004	Death	01-10-2004	40403	Kendrapara	Kendrapara	AE OK	
38	[illegible]	Manoj Kumar Tripathy	09-06-1975	H.S.C	Daitary Tripathy	Son	23-10-2004	Death	20-12-2004	59232	Pattamundai	Kendrapara	AE OK	
39	[illegible]	[illegible]	[illegible]	+3 (Arts)	Adhikanda Sahoo	Son	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	Kendrapara	AE OK	
40	[illegible]	Sanjukta Dixit	09-09-1975	[illegible]	Arjun Ch. Dixit	Wife	[illegible]	Death	10-06-2005	25616		Kendrapara	AE OK	
41	[illegible]	Maheswar Behera	28-01-1977	+2 Arts	Meghananda Behera	Son	[illegible]	Death	[illegible]	33315	Pattamundai	Kendrapara	AE OK	
42	[illegible]	Nigamananda Swain	[illegible]	+3 (Com)	Dhaneswar Swain	Son	[illegible]	Death	05-05-2005	56220	Pattamundai	Kendrapara	AE OK	
43	1705	Rajendra Pradhan	24-06-1977	+3 (Arts)	Niranjan Pradhan	Son	[illegible]	Death	09-11-2005	58100	Pattamundai	Kendrapara	AE OK	
44	1783	Sarojkanta Nayak	01-04-1982	+3 Sc	Ganeswar Nayak	Son	07-10-2005	Death	03-12-2005	59396	Kendrapara	Kendrapara	AE OK	
45	1808	Nimai Mallick	17-07-1980	VIII	Hakim Mallick	Son	29-11-2005	Death	24-05-2006	39192		Kendrapara	AE OK	
46	1821	Amulya Ku. Swain	14-05-1982	H.S.C	Dhruba Ch. Swain	Son	15-12-2005	Death	21-06-2005	37303	Kendrapara	Kendrapara	AE OK	

Non-Teaching base level vacancies as on 31.12.2009 approved by Govt. for appointment of candidaes under R.A. Scheme in 3rd phase.

SL.NO	Name of the Circle	Balance vacancies found after adjustment of candidates in 2nd phase approved list.		Vacancy position from 1.1.2008 to 31.12.2009		Total		Total Class-III+Class-IV
		Class-III	Class-IV	Class-III	Class-IV	Class-III	Class-IV	
12	Kendrapara	0	0	16	23	16	23	39

True copy attested

Advocate

24/9/10

24 Sept. 2010

24

-H-

Anx-

To

1. The District Education Officer, Kendrapara
2. The Director of Secondary Education, Odisha, Bhubaneswar

Sub- "Appointment under Rehabilitation Assistance Rules"

Sir,

I, Sri Nimain Malik, S/o late Hakim Malik, who was working as 'Night watchman-cum-Sweeper' of Godabarish Vidyavaban, Gobindpur, Dist-Kendrapara beg to state as follows for your kind consideration and necessary action.

My father, Hakim Malik (late) was working as Night Watchman-cum – Sweeper in Godabarish Vidyavaban, Gobindpur. The School in question was a taken over New Govt. High School. Hence he was a Civil Servant. He expired on 29.11.2005 due to Cardiac Arrest.

After the death of my father, I obtained Death Certificate, Legal Heir Certificate, Caste Certificate, Income Certificate, No objection Affidavits from other family members, No job Affidavit and School leaving Certificate and applied for Appointment under Rehabilitation Assistance Rules.

The School authority sent my papers/documents to the District Education Officer, Kendrapara for verification and necessary action. Though I came to know from the Office of DEO, Kendrapara that my application has been forwarded to the Office of Director Secondary Education, Odisha for necessary approval. The Director has prepared a list of 46 candidates, where my Sl. No. 45.

That from the date of my application a long time has passed. I came to know that some persons have been given appointment, my case has not been considered as yet.

Therefore, I pray my case for appointment under R.A. Rules be considered at an early date as a long time has passed from the date of my application, for which act I shall be obliged.

22.4.23

District Education Officer
KENDRAPARA

25 ANNEXURE-2

IN THE HON'BLE HIGH COURT OF ORISSA: CUTTACK

W.P.(C).NO:5105 of 2020

Nimai Malik .....Petitioner

-Versus-

State of Odisha and others .....Opposite Parties

I N D E X

SL. NO	LIST OF ANNEXTURES	DESCRIPTION OF DOCUMENTS	PAGES
1.	–	Counter Affidavit of the Opposite Party No.3 i.e. District Education Officer, Kendrapara	1-8
2.	Annexure A/3	copy of the Directorate letter No. 4A -121-II-10-63335 dated 31.12.2010	9
3.	Annexure-B/3 (Series)	Copy of the letter No.399 dated 17.01.2011 along with the vacancy position of base level post from 01.01.2010 to 31.12.2010	10-12
4.	Annexure-C/3 (Series)	Copy of the letter No.4A-87-II-2010-3390 dated 18.01.2011of the Directorate, Secondary Education, Orissa, Bhubaneswar along with the enclosed list	13-14
5.	Annexure-D/3 (Series)	Copy of the letter No. 878 dated 25.01.2011 of the Inspector of Schools, Jagatsinghpur Circle, Jagatsinghpur along with the enclosed list of candidates & D.O. No. 08 dated 16.04.2011 of Inspector of Schools, Jagatsinghpur Circle, Jagatsinghpur	15-17
6.	Annexure-E/3 (Series)	Copy of the letter No. 3686 dated 06.05.2011 of the then Inspector of Schools, Kendrapara Circle, Kendrapara and registered postal receipt bearing its no.53	18-19

Standing Counsel
S&ME Cell

Place: Cuttack
Dt.04.06.2020

27.4.23
District Education Officer
KENDRAPARA

IN THE HON'BLE HIGH COURT OF ORISSA: CUTTACK

W.P.(C).NO:5105 of 2020

Nimai Malik .....Petitioner

-Versus-

State of Odisha and others .....Opposite Parties

Counter Affidavit Filed By the District Education Officer, Kendrapara i.e. the Opposite Party No:3 :

I, Sri Sanjib Kumar Singh, aged about 58 years, son of late Richard Kulamani Singh, at present working as District Education Officer, Kendrapara, At/Post/District: Kendrapara do hereby solemnly affirm and state as follows:

1. That, I am the Opposite Party No.3 in present writ petition & thoroughly gone through the present writ petition and have understood the averments made therein.
2. That, the petitioner namely Nimai Malik has filed the present writ seeking a direction to the Director, Secondary Education, Odisha, Bhubaneswar, the opposite party No.2 & District Education Officer, Kendrapara, the opposite Party No.3 to issue appointment order to him under the Rehabilitation Assistance Rules at an early date as a long time has been passed in the meanwhile from the date of his application along with a direction to opposite party no.3 to draw and disburse his salary just after his appointment.

3. That, the grounds on which the present writ has been filed by the petitioner is not maintainable either in law or in fact & more so, the petitioner has his no cause of action to file same against the present deponent before this Hon'ble Court, for which the present writ of petitioner be dismissed.

4. That, the allegations of the petitioner is based on misconception and misrepresentation of fact as such he is not entitled to get any reliefs as prayed for in present writ and hence the writ petition of petitioner is liable to be dismissed on that score.

5. That, it is respectfully submitted that the petitioner has not impleaded the District Education Officer, Jagatsinghpur as a party to the present writ application in whose absence no effective order can be passed by this Hon'ble Court for which in absence of same due to non-joinder of necessary parties, the present writ of petitioner is liable to be dismissed.

6. That, this deponent without giving paragraph wise comments craves leave of this Hon'ble Court to canvas the issue involved in this case for the kind appreciation of this Hon'ble Court.

7. That, it is respectfully and humbly submitted that the father of the present petitioner namely Hakim Singh, while working as a peon in Godabarisha High School, Gobindpur which is a New

District Education Officer
KENDRAPAT

Government High School with effect from 07.06.1994 in the district of Kendrapara had met his death on 29.11.2005. The copy of the Death Certificate of the deceased employee namely Hakim Singh is available as Annexture-1 with the writ.

8. That, it is humbly and respectfully submitted that after the death of deceased Hakim Singh, Ex-peon of Godabarisha High School, Gobindpur, the petitioner being the son and one of the legal heirs of deceased Hakim Singh had applied for his engagement under the Rehabilitation Assistance Scheme before the competent authority.

9. That, it is respectfully and humbly submitted that the Director, Secondary Education, Orissa, Bhubaneswar in his letter No.4A-II-87-10-47060(19) dated 27.09.2010 had been pleased to send the list of the candidates eligible for appointment under Rehabilitation Assistance Scheme duly approved by the Government to the office of this deponent in which the name of the present petitioner namely Nimai Malik finds place at serial No.15.The copy of the Directorate letter No. 4A-II-87-10-47060(19) dated 27.09.2010 along with the approved list is available as Annexure-2 with writ.

10. That, it is respectfully and humbly submitted that thereafter the Directorate, Secondary Education, Orissa, Bhubaneswar vide

their letter No.4A-121-II-10-63335 dated 31.12.2010 and directed to all Inspector of Schools/Superintendent of Sanskrit Studies, Puri to submit vacancy positions in respect of non-teaching base level Class-III & Class-IV post in Govt. High Schools/offices/Govt. Secondary Training School and ULB High Schools taken over by Government for the period from 01.01.2010 to 31.12.2010 for the purpose of filing up of the post under R.A. Scheme in the prescribed pro-forma appended with the aforesaid letter. The copy of the Directorate letter No. 4A-121-I-10-63335 dated 31.12.2010 is annexed herewith as Annexure-A/3.

11. That, it is respectfully and humbly submitted that in pursuance to Directorate letter No. 4A-121-II-10-63335 dated 31.12.2010; the then Inspector of Schools, Kendrapara vide his letter No.399 dated 17.01.2011 had sent the vacancy position to the Directorate in the prescribed pro-forma in respect of Class-III & Class-IV base level post for the purpose of filing up the post under R.A. Scheme under Kendrapara Circle, Kendrapara. The copy of the letter No.399 dated 17.01.2011 along with the vacancy position of base level post from 01.01.2010 to 31.12.2010 are annexed herewith as **Annexure-B/3(Series)**.

12. That, it is respectfully and humbly submitted that the Directorate, Secondary Education, Orissa, Bhubaneswar vide their letter No.4A-87-II-2010-3390 dated 18.01.2011 to all Inspector of Schools has been pleased to re-allot the candidates for appointment under Rehabilitation Assistance Scheme out of the approved list citing the reason of non-availability of approved vacancies in their own Circle with an intention to accommodate them in other Circles. It is pertinent to mention here that in said letter the name of the present petitioner namely Nimai Malik has been sent to the office of the Inspector of Schools, Jagatsinghpur Circle, Jagatsinghpur at Serial No.7.The copy of the letter No.4A-87-II-2010-3390 dated 18.01.2011of the Directorate, Secondary Education, Orissa, Bhubaneswar along with the enclosed list is annexed herewith as **Annexure-C/3(Series)**.

District Education Officer
KENDRAPARA

13. That, it is humbly and respectfully submitted that the Inspector of Schools, Jagatsinghpur by referring the aforesaid letter of the Directorate had requested the then Inspector of Schools, Kendrapara to furnish all the relevant documents of the candidates including the petitioner to his inspectorate for verification of the records for appointment under Rehabilitation Assistance Scheme vide his office letter No.878 dated

25.01.2011. Again, the Inspector of Schools, Jagatsinghpur vide his D.O. No. 08 dated 16.04.2011 had requested the then Inspector of Schools, Kendrapara Circle, Kendrapara to furnish all the relevant documents of the candidates namely Nimai Malik, the petitioner and two others to his inspectorate for verification of records for appointment under rehabilitation scheme. The copy of the letter No. 878 dated 25.01.2011 of the Inspector of Schools, Jagatsinghpur Circle, Jagatsinghpur along with the enclosed list of candidates & D.O. No. 08 dated 16.04.2011 of Inspector of Schools, Jagatsinghpur Circle, Jagatsinghpur are annexed herewith as **Annexure-D/3(Series)**.

14. That, it is respectfully and humbly submitted that thereafter the then Inspector of Schools, Kendrapara Circle, Kendrapara vide his office letter No.3686 dated 06.05.2011 had sent the documents of Nimai Malik to the office of the Inspector of Schools, Jagatsinghpur Circle, Jagatsinghpur through registered post for his appointment under Rehabilitation Assistance Scheme. The copy of the letter No. 3686 dated 06.05.201 of the then Inspector of Schools, Kendrapara Circle, Kendrapara and registered postal receipt bearing no.5346 are annexed herewith as **Annexure-E/3(Series)**.

15. That it is respectfully and humbly submitted that as the name of the petitioner has been re-allotted to the Inspector of Schools, Jagatsinghpur Circle, Jagatsinghpur by the Directorate for appointment under Rehabilitation Assistance Scheme out of the approved list citing the reason of non-availability of approved vacancies in this Circle with an intention to accommodate him and in pursuance of the letter of the Directorate and the Inspector of Schools, Jagatsinghpur Circle Jagatsinghpur all his relevant documents has already been sent to that inspectorate; for which this deponent has no authority and locus-standai to issue appointment order to the petitioner under Rehabilitation Assistance Scheme and Rules as such the writ filed by the petitioner being not maintainable ought to be rejected on that score.

16. That, it is humbly and respectfully submitted that the averments made in the writ petition of petitioner which are not specifically replied be treated as denial and the petitioner should be put into strict proof thereof.

17. That, it is humbly and respectfully submitted that this deponent reserves his right to file additional counter if situation so warrants but with the prior leave of this Hon'ble Court.

18. That, in view of the aforesaid fact and circumstances of the present case; the writ petition of petitioner being devoid of merit is liable to be dismissed.

19. That the facts stated above are all true to the best of my knowledge and belief being based on the official records.

Identified by:

Sanjib Kumar Singh
DEPONENT
District Education Officer
KENDRAPARA

A.S.O. of AG's Office

CERTIFICATE

Certified that due to non-availability of Cartridge papers in open market this Counter Affidavit has been typed out in thick white Xerox papers

Place: Cuttack
Dt. .06.2020

Standing Counsel
S & ME Cell

1-34

DIRECTORATE OF SECONDARY EDUCATION, ORISSA, BHUBANESWAR.

No. 4A-121-II-10- 63335 // Dated 31.12.2010

All Inspector of Schools/ Superintendent of Sanskrit Studies, Puri.

Sub Submission of vacancy position in respect of non-teaching Class – III & IV base level post for the purpose of filling up of the post under R.A. Scheme.

Sir,

Inviting a reference to the subject cited above, I am directed to request you to submit vacancy position in respect of non-teaching base level Class – III & IV post in Government High Schools/ Offices, Govt. Secondary Training School & ULB High Schools taken over by Government under your jurisdiction for the period from 1.1.2010 to 31.12.2010 for the purpose of filling up of the post under R.A. scheme in the prescribed proforma as given below to reach this Directorate by 10.1.2010 positively.

Yours faithfully,

Dy. Director (GS)

Memo No. 63336 // Dated 31.12.2010

Copy forwarded to the Joint Secretary to Government, Department of School & Mass Education, Orissa for favour of information, with reference to Government letter No. 7779 dated 20.12.2010.

Dy. Director (GS)

PROFORMA

Details about the vacant base level Non-Teaching posts in Government High Schools/Offices, Government Secondary Training Schools & ULB High Schools taken over by Government for filling up of the posts under R.A. Scheme.

Sl.No	Base Level Non-Teaching Category of vacant post.		By Name	Date of Vacancy	Reason for vcacancy(Death /Retirement/Promotion etc.)	Whether the vacancy is admissible for the institution under yardstick prescribed by Govt.	Remarks
	Class III (Jr. Clerk)	Class IV(Peon)					
	2	3	4	5	6	7	8
Total							

Signature of Inspector of Schools
Signature of SSS, Puri

N.B.. Any vacancy found unfilled before 1.1.2010 of Government High schools/Offices, Govt. Secondary Training Schools & ULB High Schools taken over by Government may be submitted in the aforesaid proforma separately for the purpose of filling up of the post under R.A. Scheme. While submitting the said information, it should be ensured that 75% of base level posts of such categories as on 1.4.2004 has been abolished . A certificate to this effect may be given.

District Education Officer
KENDRAPARA

OFFICE OF THE INSPECTOR OF SCHOOLS, KENDRAPARA CIRCLE, KENDRAPARA

NO. 399 / DATE. 17.1.2011

To

The Director,
Secondary Education, Orissa,
Bhubaneswar.

Sub:- Submission of vacancy position in respect of Non-teaching Class III and IV base level post for the purpose of filing up of the post under R.A. Scheme.

Ref:- Directorate letter No. 63335/ dt. 31.12.2010.

Sir,

In inviting a kind reference to the Directorate letter on the subject cited above, I beg to submit herewith the vacancy position in the prescribed proforma in respect of Non-teaching Class-III and IV base level post for the purpose of filing up the post under R.A. Scheme under Kendrapara Circle, Kendrapara.

This is for favour of kind information and necessary action.

Yours faithfully

Enclosure: - As above

Sd/- 17.1.2011
Inspector of Schools
Kendrapara Circle, Kendrapara

True Copy Attested

District Education Officer
Kendrapara

PROFORMA

Sl. No.	Base Level Non-teaching category of vacant post		By Name	Date of vacancy	Reason for vacancy (Death/ Retirement/ Promotion etc.)	Whether the vacancy is admissible for the institution under Yard Stick prescribed by Govt.
	Class-III (Jr. Clerk)	Class-IV(Peon)				
1	2	3	4	5	6	7
01.	Jr. Clerk	--	N.N.H/S, Dangamal	01.01.2010	Retirement	
02.	--do--	--	Sansidha H/S	01.03.2010	Retirement	
03.	--do--	--	P.B.B.N, Manapara	01.03.2010	Retirement	
04.	--do--	--	B.P. H/S, Kandiahat	01.05.2010	Retirement	
05.	--do--	--	N.N. Ucha B.P, Bhamanda	01.08.2010	Retirement	
06.	--do--	--	G.D. H/S, Sanamanga	01.09.2010	Retirement	
07.	--do--	--	Kapileswar H/S, Khurusiapat	01.12.2010	Retirement	
08.	--do--	--	Namouza H/S	12.08.2010	Transfer	
09.	--do--	--	Sudarsan H/S, Thakurhat	12.08.2010	Transfer	
10.	--do--	--	Kora Panchayat H/S	12.08.2010	Transfer	
11.	--do--	--	R.C.S.N., Chhoti	12.08.2010	Transfer	
12.	--do--	--	Jamapara H/S	12.08.2010	Transfer	
13.	--do--	--	S.M. B.P., Bagada	12.08.2010	Transfer	
14.	--do--	--	Saraswati H/S, Deypur		Retirement	
15.	--do--	--	S.K.C H/S, Patrapur	01.02.2010	Retirement	
16.	--do--	--	Panchayat H/S, Jayanagar	01.02.2010	Retirement	
17.	--do--	--	Banabiharijew H/S, Gopalpur	12.08.2010	Transfer	
18.	--do--	--	Patkura H/S		Retirement	
19.	--do--	--	Talakusuma Gobindpur H/S			

True Copy Attested

District Education Officer
Kendrapara

-36-

1	2	3	4	5	6	7
20.	--	Peon	Baradia High School	01.02.2010	Retirement	
21.	--	Peon	N.N H/S, Dangamal	01.03.2010	--do--	
22.	--	Peon	Aripada H/S	01.03.2010	--do--	
23.	--	Peon	Jagamohan H/S, Baradanga	01.06.2010	--do--	
24.	--	Peon	Mahu H/S	01.08.2010	--do--	
25.	--	Peon	Marshaghai Girls H/S	01.08.2010	--do--	
26.	--	Peon	Dadhibamanjew B/P, Desahi	01.09.2010	--do--	
27.	--	Peon	Hatasahi H/S	01.09.2010	--do--	
28.	--	Peon	Aripada H/S	01.09.2010	--do--	
29.	--	Peon	Sarada Academy, Chhakana	01.09.2010	--do--	
30.	--	Peon	Nigam H/S, Ameipal	01.09.2010	--do--	
31.	--	Peon	Baruna H/S	01.10.2010	--do--	
32.	--	Peon	Jagamohan H/S	01.10.2010	--do--	
33.	--	Peon	T.K. H/S, Katana	01.03.2010	--do--	
34.	--	Peon	Kanika H/S, Ayatan	01.03.2010	--do--	

-37-

True Copy Attested

23/1/2011

District Education Officer
Kendrapara

Sd/- 17.1.2011
Inspector of Schools
Kendrapara Circle, Kendrapara

38

SPEED POST

OFFICE OF THE DIRECTOR, SECONDARY EDUCATION, ORISSA, BHUBANESWAR.

No. 3396 //dt 18-1-11

4A-87-II-2010

To

All Inspector of Schools.

Sub:- Re-allotment of candidates for appointment under Rehabilitation Assistance Scheme out of 3rd phase eligible list approved by Government.

Sir/Madam,

In continuation to this Directorate Letter No. 47060 dt. 27.9.2010 on the subject cited above I enclose herewith the list of eligible candidates for appointment under R.A. Scheme of those who could not be accommodated in their own circle due to non-availability of approved vacancies. The said candidates be appointed in your circle immediately against the balance vacancies approved by Government as per the guidelines issued earlier and report compliance in the prescribed format A & B to reach this Directorate by 5.2.2011 positively.

The concerned Inspector of Schools are requested to furnish documents of the respective candidates to the Inspector of Schools concerned regarding verification of the records.

This arrangement is done under the provision of Rule 8(d) of OCS (R.A.) Rules, 1990.

Yours faithfully,

18/1/11

Joint DirectorS.E.)

Memo No. //dt.

Copy alongwith copy of its enclosure forwarded to Joint Secretary to Government, Orissa, Department of S & M.E. for favour of information.

Joint DirectorS.E.)

Memo No. //dt.

Copy alongwith copy of its enclosure forwarded to Director, Elementary Education, Orissa, Bhubaneswar for information.

Joint DirectorS.E.)

District Education Officer
KENDRAPARA

39

SURPLUS CANDIDATE FOR APPOINTMENT UNDER RAS OUT OF 3rd PHASE ELIGIBLE LIST OF OTHER CIRCLE ADJUSTED IN JAGATSINGHPUR CIRCLE

Sl. No.	M Sl. No.	Name of applicant	DOB	Qualification	Name of deceased person	Relation	Date of death/ incapacitation	Category	Date of apply	Annual Income (in Rs/)	Name of the D/L	Name of the Circle	Remarks	
1	1434	Rajendra N. Jena	22-02-1977	+3 Arts	Sudarsan Jena	Son	27-01-2004	Death	04-06-2007	52232	Bhawani patna	Kalahandi	NA	S to verify the documents in all respect
2	1627	Satyabhama Dixit	01-09-1975	X	Arjun Ch. Dixit	Wife	24-04-2005	Death	10-04-2006	25416		Kendrapara ✓	All OK	
3	1659	Maheswar Behera	25-01-1982	+2 Arts	Meghanandra Behera	Son	29-04-2005	Death	17-11-2005	33316	Pattamundai	Kendrapara ✓	All OK	
4	1697	Nigamananda Swain	20-07-1977	+3 (Com)	Dhaneswar Swain	Son	16-05-2005	Death	06-06-2005	58220	Pattamundai	Kendrapara ✓	All OK	
5	1705	Rajendra Pradhan	24-05-1977	+3 (Arts)	Niranjan Pradhan	Son	01-06-2005	Death	09-11-2005	58100	Pattamundai	Kendrapara ✓	All OK	
6	1783	Sarojkanta Nayak	01-06-1982	+3 Sc	Ganeswar Nayak	Son	07-10-2005	Death	03-12-2005	59364	Kendrapara	Kendrapara ✓	All OK	
7	1808	Nimai Mallick	17-09-1980	VIII	Hakim Mallick	Son	29-11-2005	Death	24-05-2006	36192		Kendrapara ✓	All OK	
8	1821	Amulya Ku. Swain	14-06-1982	H.S.C.	Dhruba Ch. Swain	Son	15-12-2005	Death	21-06-2006	37308	Kendrapara	Kendrapara ✓	All OK	

N.B.:- The above candidates should be appointed against the balance vacancy in your circle according to the post admissible to them in their own circle.

39

40

OFFICE OF THE INSPECTOR OF SCHOOLS

JAGATSINGHPUR

Letter No. 313 dt. 25/1/11

To

The Inspector of Schools,
Kalahandi/Kendrapara Circle.

The District Inspector of Schools,
Bhawanipatna/Pattamundai/Kendrapara.

Sub :- Submission of documents for appointment of Rehabilitation Assistance Scheme out of 3rd phase eligible list approved by Government.

Ref :- Letter No. 3390 dt. 18.1.2011 of Director Secondary Education, Orissa, Bhubaneswar.
4A-87-11-2010

Sir,

With reference to the subject and reference cited above you are requested to furnish all the relevent documents of the respective candidates (copy enclosed) to this inspectorate for verification of the records for appointment under Rehabilitation Assistance Scheme.

This may please be accorded priority attention.

Yours faithfully,

INSPECTOR OF SCHOOLS
JAGATSINGHPUR CIRCLE

Memo No. dt.

Copy submitted to the Director Secondary Education Orissa, Bhubaneeswar for information with reference to Letter No. 3390 dt. 18.1.2011.
4A-87-11-2010

INSPECTOR OF SCHOOLS
JAGATSINGHPUR CIRCLE

District Education Officer
KENDRAPARA

SURPLUS CANDIDATE FOR APPOINTMENT UNDER RAS OUT OF 3rd PHASE ELIGIBLE LIST OF OTHER CIRCLE ADJUSTED IN JAGATSINGHPURCIRCLE

Sl. No.	M.S.E. No.	Name of applicant	DOB	Qualification	Name of deceased person	Relation	Date of death/ Incapaciation	Category	Date of apply	Annual Income (in Rs/)	Name of the D/C	Name of the Circle	Remarks
1	[illegible]	[illegible]	[illegible]	[illegible]	Sadasiv [illegible]	Son	27-01-2004	Death	24-06-2005	[illegible]	Bhawanipatna	Kashipur	DS to verify the documents in all respect.
2	[illegible]	[illegible]	[illegible]	[illegible]	Arjun Ch. Dutt	Wife	24-04-2005	Death	10-01-2006	25410		Kendrapara	All Ok
3	[illegible]	Mukteswar Behera	26-01-1982	[illegible]	Meghananda Behera	Son	29-04-2005	Death	17-11-2005	53310	Pattamundai	Kendrapara	All Ok
4	[illegible]	Jagannath Swain	20-07-1977	[illegible]	Dhaneswar Swain	Son	16-05-2005	Death	06-06-2005	58220	Pattamundai	Kendrapara	All Ok
5	[illegible]	Rabindra Pradhan	14-02-1977	[illegible]	Niranjan Pradhan	Son	01-06-2005	Death	09-11-2005	58100	Pattamundai	Kendrapara	All Ok
6	[illegible]	Satyabadi Nayak	01-04-1982	[illegible]	Ganeswar Nayak	Son	07-10-2005	Death	03-12-2005	59354	Kendrapara	Kendrapara	All Ok
7	[illegible]	Ratan Mallick	17-05-1980	[illegible]	Hakim Mallick	Son	29-11-2005	Death	24-05-2006	38152		Kendrapara	All Ok
8	[illegible]	Arnolya Ku. Swain	14-06-1982	[illegible]	Bhruba Ch. Swain	Son	15-12-2005	Death	21-06-2006	31308	Kendrapara	Kendrapara	All Ok

N.B. - The above candidate should be appointed against the balance vacancy in your circle according to the post admissible to them in their own circle.

#3-42-

OFFICE OF THE INSPECTOR OF SCHOOLS, JAGATSINGHPUR CIRCLE
JAGATSINGHPUR

[illegible] No ____ Date 16/4/2011

Sub . Submission of documents for appointment of R.A. Scheme out of 3rd Phase.

Ref - Letter No. 3390 dt 18.01.11. and this office letter no. 878(5) dt 25.01.11 & 2995 dt. 16.03.11 and telephonic discussion and personal contact.

Dear ______

With reference to the subject and reference captioned above you are once again requested to furnish all the relevant documents of the following candidates to this inspectorate by 20.04.2011 positively for verification of records for appointment under rehabititation scheme.

This may please be accorded priority attention.

Encl . List of candidates.

1. Satyabhama Dixit
2. Maheswar Behera
3. Nimain Mallick.

Yours faithfully

P.K. Swain 18/4/11

To

Sri Sekhar Chandra Sahoo, O.E.S.I.
Inspector of Schools,
Kendrapara Circle.

Memo No. ______ Date ______

Copy submitted to the Director Secondary Education, Orissa, Bhubaneswar for favour of kind information and necessary action.

1337
4/5/11

Inspector of Schools
Jagatsinghpur Circle

District Education Officer
KENDRAPARA

बीमा नहीं NOT INSURED
रजिस्ट्री की फीस टिकटों का मूल्य रु. 5
Amount of Stamps affixed Rs.
प्राप्त किया
Received a Registered
भेजने वाले का नाम
Addressed to
रजिस्ट्री
No 5346
तारीख-मोहर
Date-stamp
पानेवाले अधिकारी के हस्ताक्षर
Signature of receiving office

27.4.23
District Education Officer
KENDRAPARA

District Education Officer
KENDRAPARA

OFFICE OF THE INSPECTOR OF SCHOOLS: KENDRAPARA CIRCLE: KENDRAPARA

NO. 3686 /DATE. 6.5.11

To

The Inspector of Schools,
Jagatsinghpur Circle,
Jagatsinghpur.

Sub:- Submission of documents for appointment of Rehabilitation Assistance Scheme out of 3rd Phase eligible list approved by Govt.

Ref:- Letter No. 878/dt.25.1.11 of Inspector of School,Jagatsinghpur Circle,Jagatsinghpur.

Sir,

I am to say that the relevant documents of 04 candidates to be appointed under R.A.Scheme out of 3rd Phase mentioned at Sl.No. 4,5,6 & 8 in your letter under reference were sent to your office vide this office letter No. 2246 /dt. 16.3.2011 . The documents of Nimai Mallik is enclosed herewith for his appointment under your control. Satyabhama Dikshit & Maheswar Behera can be appointed under R.A.Scheme in this Circle, due to in eligibility of of Prasanti Chhatoi and Monalisha Sahoo as they are found to be married as per the reports received from Tahasildar, Garadpur and Tahasildar, Aul.

Yours faithfully

Inspector of Schools
Kendrapara Circle,Kendrapara.

Encl:-

1. Xerox copy of Residential certificate - 1 copy .
2. Xerox copy of caste certificate- 1 copy
3. Xerox copy of S.L.C. - 1 copy
4. Xerox copy of Employment card - 1 copy
5. Xerox copy of Death certificate-1 copy
6. Xerox copy of Character certificate- 2 copies.
7. Xerox copy of Medical certificate - 1 copy
8. Xerox copy of spouse - 1 copy
9. Xerox copy of Court Affidavit - 2 sets.

District Education Officer
KENDRAPARA

-45- Annexure-3

DISP-1
2 sheets
26.4.23

IN THE HIGH COURT OF ORISSA: CUTTACK

W.P.(C) No. 5105 /2020

CODE No.310705

In the matter of:

An application under Article 226 of the Constitution of India,

And

In the matter of:

'Appointment under Rehabilitation Assistance Rules; 1990"

And

In the matter of:

Nimain Malik, aged about 40 years,
S/o late Hakim Malik, At/P.O.-Gobindpur,
Via-Gobindpur Kuchery, Dist-Kendrapara.

.... **Petitioner**

-Versus-

1. State of Odisha, represented through its
   Commissioner-cum-Secretary to Govt. of Odisha,
   School and Mass Education Department,
   Secretariat, Bhubaneswar, Dist-Khurda.
2. Director of Secondary Education, Odisha,
   Bhubaneswar, Dist-Khurda.
3. District Education Officer, Kendrapara
   At/P.O-Kendrapara, Dist-Kendrapara.
4. District Education Officer, Jagatsinghpur,
   At/P.O-Jagatsinghpur, Dist-Jagatsinghpur.

.... **Opp. Parties.**

- 46 -

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No. 5105 of 2020

Nimain Malik	.....	*Petitioner* *Mr. S.P. Sahoo, Adv.*
	Vs.	
State of Odisha and others	.....	*Opposite Parties* *State Counsel*

CORAM:
DR. JUSTICE B.R. SARANGI

ORDER
05.12.2022

Order No. 06.

This matter is taken up through hybrid mode.

2. Heard learned counsel for the parties.

3. Learned counsel for the petitioner contended that the case of the petitioner is covered by the judgment of the apex Court in the case of ***Malaya Nanda Sethy v. State of Orissa***, Civil Appeal No. 4103 of 2022 disposed of on 20.05.2022. Therefore, this writ petition may be disposed of in the light of the aforesaid order.

4. Learned State Counsel does not dispute the position.

5. In the above view of the matter, this writ petition stands disposed of directing the opposite parties-authority to consider the case of the petitioner in the light of the judgment passed by the apex Court in the case of ***Malaya Nanda Sethy*** (supra) and pass appropriate order in accordance with law within a period of three months from the date of production of certified copy of this order.

Issue urgent certified copy as per rules.

Sd/- Dr. B.R. Sarangi J.

Alok

Comp by
2.5.23

IN THE HIGH COURT OF ORISSA: CUTTACK.

WA / - No. 1038 of 2023

STATE OF ODISHA & OTHER'S .....PETITIONERS.

.....APPELLANTS

-VERSUS-

.....OPP. PARTIES.

Nimain Malik .....RESPONDENTS.

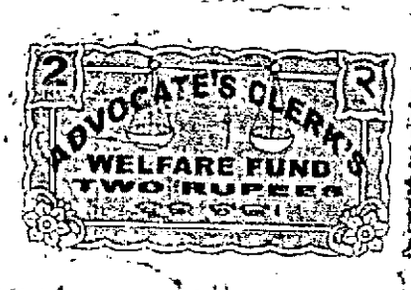
M E M O

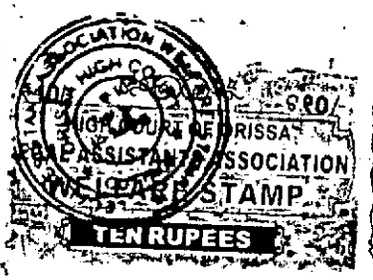
I/We hereby enter my appearance in the above noted case on behalf of the Petitioners / Appellants.

Cuttack
Date: 10/05/2023

cert

Addl. Govt. Advocate
MANOJA KUMAR KHUNTIA
Additional Govt. Advocate
B.C.E No.-O-98/1994
M-9437168044





IN THE HIGH COURT OF ORISSA : CUTTACK.

I.A. No. 2678 **of 2023.**

(Arising out of W.A. No. 1038 of 2023)

IN THE MATTER OF:

An application under Section 5 of the Limitation Act for condonation of delay.

AND

IN THE MATTER OF:

State of Odisha and others ... Appellants.

-Versus –

Nimain Malik. ... Respondent.

TO

THE HON'BLE CHIEF JUSTICE, ORISSA HIGH COURT AND HIS LORDSHIPS COMPANION JUSTICES OF THE SAID HON'BLE COURT.

The humble petition of the appellants named above ;

MOST RESPECTFULLY SHEWETH:

1. That, the appellants above named who are the functionaries of the State of Odisha have filed the present memo of appeal challenging the order dated 05.12.2022 passed by this Hon'ble Single Judge in W.P. (C) No.5105 of 2020.

2. That the averments made in the memo of appeal may be read and treated as part and parcel of this application and those are not reiterated for the sake of brevity.

3. That, the above said writ petition was disposed of by this Hon'ble Court vide order dated 05.12.2022.

Subhalaxmi Nayak
District Education Officer
KENDRAPARA

MANOJA KUMAR KHUNTIA
Additional Govt. Advocate
B.C.E No.-O-98/1994
M-9437168044

PRADIPTA KUMAR MOHANTY
Notary, Cuttack Town
Regd. No- ON-04/1995

4. That, after thorough examination of the said order dated 05.12.2022 passed in W.P. (C) No. 5105 of 2020 passed by this Hon'ble Court in favour of the present respondent (Writ Petitioner), the Joint Secretary to Government in the Department of School and Mass Education vide letter No. 7866/SME dated 06.04.2023 instructed the present deponent to file Writ appeal challenging the above said order dated 05.12.2022 passed by the Hon'ble Single Judge.

5. That, it is humbly submitted that after receipt of the above said instruction from Government, this deponent vide letter No. 4852 dated 19.04.2023 requested the Learned Advocate General, Odisha to prepare the writ appeal and this deponent came to the Office of the Advocate General, Odisha, Cuttack for filing of writ appeal as well as the Interim application for stay and for condonation of delay and the same was filed on. 11/05/2023

6. That, it is humbly and respectfully submitted that the delay caused for filing of memorandum of appeal is bonafide, unintentional and not willful, on the other hand the delay caused for filling of the memo of appeal is due to observation of the official formalities.

7. That in the given sets of facts and circumstances, it is humbly prayed that this Hon'ble Court may graciously be pleased to condone the delay in filling the Writ appeal.

Subhalaxmi Nayak
District Education Officer
KENDRAPARA

MANOJA KUMAR KHUNTIA
Additional Govt. Advocate
B.C.E No.-O-98/1994
M-9437168044

PRADIPTA KUMAR MOHANTY
Notary, Cuttack Town
Regd. No- ON-04/1995

8. That, it is humbly submitted that in the interest of justice, equity and fair play the delay in filing the writ appeal may be condoned and the same may be heard on merit.

PRAYER

Therefore, in view of the above facts and circumstances, it is humbly prayed that this Hon'ble Court may graciously be pleased to allow this petition by condoning the delay of 126 days in filling the writ appeal;

And pass any such other order/orders as this Hon'ble Court may deem fit and proper;

And for this act of kindness, the Appellants shall as in duty bound ever pray.

By the Appellants through;

CUTTACK
DATE: 10/05/2023

AFFIDAVIT

I, Smt. Subhalaxmi Nayak, aged about 41 years, Wife of Sri Soubhagya Ranjan Mohanty, at present working as District Education Officer, Kendrapara, do hereby solemnly affirm and state as follows :

1. That I am the Appellant No.3 in this case. I have been duly authorised by the other appellants to swear this affidavit on their behalf.
2. That the facts stated above are true to my knowledge, based on official records.

Identified by :
Advocate Clerk,
A.G. office.
10/05/2023

Subhalaxmi Nayak
Deponent.
District Education Office.
KENDRAPARA

GUPTA KUMAR MOHANTY
Notary, Cuttack Town
Regd. No- ON-04/1995

4

CERTIFICATE

Certified that cartridge papers arc not available.

CUTTACK.
Date: 10/05/2023

Addl. Government Advocate.

MANOJA KUMAR KHUNTIA
Additional Govt. Advocate
B.C.S No.-O-98/1994
M-9437168044

Subhalaxmi Nayak
District Judge-cum-Chief Judicial Magistrate
Cuttack

S. Nayak
C. Samal, A.C - A.G's office
10/05/2023
10/05/2023

IN THE HIGH COURT OF ORISSA : CUTTACK.

I.A. No. 2679 of 2023.

(Arising out of W.A. No. 1028 of 2023)

IN THE MATTER OF:

An application under Chapter VI Rule-27(A) of the High Court of Orissa;

AND

IN THE MATTER OF:

An application for stay of impugned order dated 05.12.2022 passed in W.P. (C) No. 5105 of 2020;

AND

IN THE MATTER OF:

State of Odisha and others ... Appellants.

-Versus –

Nimain Malik. ... Respondent.

TO

THE HON'BLE CHIEF JUSTICE, ORISSA HIGH COURT AND HIS LORDSHIPS COMPANION JUSTICES OF THE SAID HON'BLE COURT.

The humble petition of the appellants named above ;

<u>MOST RESPECTFULLY SHEWETH</u>:

1. That, the appellants above named who are the functionaries of the State of Odisha have filed the present memo of appeal challenging the order dated 05.12.2022 passed in W.P. (C) No.5105 of 2020 by the Hon'ble Single Judge.

Subhalaxmi Nayak
District Education Officer
KENDRAPARA

N... KUMAR ...
Add... Govt. Advocate
B.C. No.-O-98/1994
M-9437168044

2. That, the averments made in the writ appeal may be read as part and parcel of this interim application and those are not reiterated here for the sake of brevity.

3. That the petitioner respectfully submit that unless operation of the order dated 05.12.2022 passed in W.P. (C) No.5105 of 2020 is stayed, the petitioner shall suffer irreparable loss and substantial injury.

4. That the impugned order dated 05.12.2022 passed in W.P. (C) No. 5105 of 2020 is illegal, arbitrary and not sustainable in the eye of law.

5. That in the interest of justice, equity and fair play the operation of order dated 05.12.2022 passed in W.P. (C) No. 5105 of 2020 be stayed pending final decision of this writ appeal.

PRAYER

It is, therefore prayed that, your lordships may graciously be pleased to allow this interim application and grant stay of the operation of the impugned order dated 05.12.2022 passed in W.P. (C) No. 5105 of 2020 till disposal of the writ appeal;

And may further be pleased to pass such other order/orders as deem just and proper.

And for this act of kindness, the Appellants shall as in duty bound ever pray.

By the Appellants through;

CUTTACK
Date: 10/05/2023

Addl. Government Advocate.

MANOJA KUMAR KHUNTIA
Additional Govt. Advocate
B.C.E No.-O-98/1994
M-9437168044

PRADIPTA KUMAR MOHANTY
Notary, Cuttack Town
Regd. No- ON-04/1995

Subhalaxmi Nayak
District Education Officer
KENDRAPARA

3

AFFIDAVIT

I, Smt. Subhalaxmi Nayak, aged about 41 years, Wife of Sri Soubhagya Ranjan Mohanty, at present working as District Education Officer, Kendrapara, do hereby solemnly affirm and state as follows:

1. That, I am the Appellant No.3 in this case. I have been duly authorised by the other Respondent to swear this affidavit on their behalf.
2. That the facts stated above are true to my knowledge, based on official records.

Identified by:
Chintu Samal
Advocate Clerk,
A.G. office.
10/05/2023

Subhalaxmi Nayak
Deponent.
District Education Officer
KENDRAPARA

CERTIFICATE

Certified that cartridge papers are not available.

CUTTACK.
Date : 10/05/2023

Addl. Government Advocate.
MANOJA KUMAR KHUNTIA
Additional Govt. Advocate
B.C.E No.-O-98/1994
M-9437168044

Solemnly sworn before me by ... S. Nayak
being identified by ... C. Samal, A.G.'s office
at ... 10/05/2023

P.K. ..., Notary
Regd. No-ON-04/1995

COMPUTERISED FILING COUNTER
ORISSA HIGH COURT,CUTTACK
ACKNOWLEDGEMENT SLIP

Seat No : 7
Branch No : WRIT APPEAL
Receipt No : 132133/2024 Date Of Receiving : 23/10/2024 Time : 03:14:38 PM
Filing No : D- **WA 1038/2023**
Case No : **WA 1038/2023**
Received From : Petitioner
Filed By: ADDL.GOVT.ADVOCATE
Document(s) Filed :

1- REQUISITE FOR OPS --- (Misc Case No- 2678/2023) --- Postal Fee -Rs.40

IN THE HIGH COURT OF ORISSA: CUTTACK

WA No. – 1038 OF 2023

STATE OF ODISHA AND OTHERS .....APPELLANTS.

-VRS-

NIMAIN MALIK.....RESPONDENTS.

M E M O

In pursuance of the Hon'ble High Court order dated 21.10.2024, one set a copy of limitation petitions and one envelope affixing postage stamp of Rs.40 /- (Rupees forty) only **with** A.D is filed herewith for issuance of notice on limitation through registered post to the sole respondent in the above noted case.

Cuttack.
Dt. 23.10.2024

Addl. Govt. Advocate
Addl. Standing Counsel,

35

399 17.1.2011

The Director,
Secondary Education, Bhubaneswar.

Sub:- Submission of vacancy position in respect of Non-teaching Class- III and IV base level post for the purpose of filling up the post under K.A.Schools.

Ref:- Directorate letter No. 3335/ NL. 31.12.2010.

Sir,

With inviting a kind reference to the above cited letter on the subject cited above, I am to submit herewith the vacancy position in the prescribed proforma in respect of Non-teaching Class- III and IV base level post for the purpose of filling up the post under K.A.Schools under Kendrapara Circle, Kendrapara.

This is for favour of kind information and necessary action.

Encl:- As above.

Yours faithfully

Inspector of Schools
Kendrapara Circle, Kendrapara.

District Education Officer
KENDRAPARA

P R O F O R M A

3	4	5	6	7
[illegible] Class-IV (Peon)	-	N.N.H/S. Dangamal -	01.01.2010-	Death
	-	Samsidha H/S -	01.03.2010-	Retirement
	-	P.B.S.M.Mainpara -	01.03.2010-	Retirement
	-	D.P.H/S, Kendiahat -	01.05.2010-	Retirement
	-	M.M.Ucha B.P.Bhamanda -	01.08.2010 -	Retirement
	-	G.D.H/S, Sanamanga -	01.09.2010 -	Retirement
	-	Kapileswar H/S,Khurmiapat-	01.12.2010 -	Retirement
	-	Mamouza H/S -	12.08.2010 -	Transfer
	-	Sudarsan H/S,Thakurhat -	12.08.2010 -	Transfer
	-	Kora Panchayat H/S -	12.08.2010 -	Transfer
	-	K.C.S.S.Chhoti -	12.08.2010 -	Transfer
	-	Jamapara H/S -	12.08.2010 -	Transfer
	-	S.K.S.P.Bagada -	12.08.2010 -	Transfer
	-	Saraswati H/S,Deypur -	12.08.2010 -	Transfer
	-	S.C.C.H/S,Patrapur -	-	Retirement
	-	Panchayat H/S,Jayanagar -	01.02.2010 -	Retirement
	-	Jamabharijew H/S,Gopalpur-	01.02.2010 -	Retirement
	-	Paschima H/S -	12.08.2010 -	Transfer
	-	Jal.Adarsh, Gobindpur H/S-	-	Retirement.

36

SCANNED

COMPUTERISED FILING COUNTER
ORISSA HIGH COURT,CUTTACK
ACKNOWLEDGEMENT SLIP

Seat No : 7
Branch No : WRIT APPEAL
Receipt No : 133179/2024 Date Of Receiving : 28/10/2024 Time : 03:55:05 PM
Filing No : D- **WA 1038/2023**
Case No : **WA 1038/2023**
Received From : Petitioner
Filed By: ADVOCATE FOR THE PETITIONER
Document(s) Filed :

2- Legible Copy (PAGE NO - 2,23, & 35-37)

ORISSA HIGH COURT
2ND.
28 OCT 2024
CLEARANCE
DEPUTY REGISTRAR (J&E)

IN THE HIGH COURT OF ORISSA: CUTTACK.

WA No. 1038 / 2023

STATE OF ODISHA & OTHERS ..... PETITIONERS.

-VRS-

NIMAIN MALIK.....OPP. PARTIES.

M E M O

In pursuance to the Hon'ble High Corut order dated 21.10.2024 two sets of legible copies of page No.22, 23, 35 to 37 are filed here with for removal of defect as pointed out by the Stamp Reporter of the Hon'ble High Court of Orissa in the above noted case.

Cuttack.
Dt. 28.10.2024

Addl. Govt. Advocate
~~Addl. Standing counsel~~,

COMPUTERISED FILING COUNTER
ORISSA HIGH COURT,CUTTACK
ACKNOWLEDGEMENT SLIP

Seat No : 7

Branch No : WRIT APPEAL

Receipt No : 139691/2024 Date Of Receiving : 12/11/2024 Time : 11:26:52 AM

Filing No : **WA/1038/2023**

Case No : **WA/1038/2023**

Received From : Respondent

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Document(s) Filed :

3- Vakalatnama --- Court Fee -Rs.12 (33169/2024)

ORISSA HIGH COURT
1ST.
12 NOV 2024
CLEARANCE
DEPUTY REGISTRAR (J&E)

FORM OF VAKALATNAMA

IN THE HIGH COURT OF JUDICATURE, ORISSA CUTTACK
~~Before the State Adminstrative Tribunal, Cuttack Branch, Cuttack~~

W.A. No 1038 / 2023 of 20

Between State of Odisha & ors Appellant/Petitioner

Versus

Nimain Malik Respondent/Opp. Party

Know all men by these presents, that by this Vakaltnama ~~We~~ Nimain Malik, aged about 44 yrs, S/o Late Hakim Malik, At/P.O-Gobindpur Via-Gobindpur Kucheng, Dist-Kendrapara

Appellant/Respondent/Petitioner/Opposite party the aforesaid Revision/ Appeal Case do hereby appoint and retain MR. ~~SHREEKANTA PRASSADA SAHOO, M.Sc., LL.B., B.Ed. (S.P. SAHOO)~~ SHREEKANTA PRASAD SAHOO
Enl. No. O-492/87
ph- 9337761469

Advocate (s), to appeal for me/us, in the above case and to conduct and prosecute (or defend) the same and all proceedings that may be taken in respect of any application connected with the same or any decree or other passed therein including all applications for return of documents or receipt of any moneys that may be payable to me/us in the said case and also in application for review, appeals under Orissa High Court Order and in applications for leave to appeal to Supreme Court. I/We authorise my/our Advocate(s) to admit any compromise lawfully in the said case.

33169

Dated the 12 . 11 . 2024
Received from the executant (s)
Satisfied and accepted as I hold no brief for the other side.

Advocate

Accepted as above

Advocate

HIGH COURT OF ORISSA
LEGAL ASSISTANTS ASSOCIATION
WELFARE STAMP
TEN RUPEES

ADVOCATES WELF FUND FIFTEEN RUPEES

CUTTACK CLERK'S WELFARE FUND TWO RUPEES

x

Signature of the Executants

SCANNED

COMPUTERISED FILING COUNTER
ORISSA HIGH COURT,CUTTACK
ACKNOWLEDGEMENT SLIP

Seat No : 7

Branch No : WRIT APPEAL

Receipt No : 148045/2024 Date Of Receiving : 04/12/2024 Time : 12:22:43 PM

Filing No : **WA/1038/2023**

Case No : **WA/1038/2023**

Received From : Respondent

Filed By: ADVOCATE FOR THE RESPONDENT

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4- Note Of Submission