
(1998) 07 OHC CK 0013
In the Orissa High Court
Case No : O.J.C. No. 9649 of 1995

Smt. Ketaki Manjari Sahu

APPELLANT

Vs

State of Orissa and Others

RESPONDENT

Date of Decision : 29-07-1998

Acts Referred:

Orissa Civil Services (Rehabilitation Assistance) Rules, 1990 — Rule 16, 2

Citation : (1998) 2 OLR 452

Hon'ble Judges : S. Chatterji, J; D.M. Patnaik, J

Bench : Division Bench

Judgement

1. 29.7.1998 - Heard Mr. Mohanty for the petitioner.

The petitioner Ketaki Manjari Sahu has asked for the following reliefs :-

"..... Issue a writ in the nature of mandamus or any other suitable writ directing the opp. parties to appoint the petitioner as a teacher in the Primary/ME/High School under the Rehabilitation Assistance Scheme by quashing Annexure-3 and the rejection of appointment under Rehabilitation Assistance Scheme to the family members as in Annexure-8 and be further pleased to direct the opp. parties to include married daughter in the family list, under Rule 2(b) of the Orissa Civil Service (Rehabilitation Assistance) Rules, 1990, where there is no other ward to support the indigent family and the married daughter lives in the paternal house with her husband taken in as an illegitimate son and be further pleased to pass any other order/orders as this Hon'ble Court may deem fit just and proper in view of the peculiar facts and circumstances of the case"

2. Looking at the Scheme we find that the petitioner is not entitled to ask for any appointment on compassionate ground as she is a married lady and the married daughter does not come within the definition of family members. But the facts are all peculiar and they draw utmost sympathy and compassion. Ghasinath Sahu, teacher of Kantabahal L.P. School died in harness on 1.6.1987 leaving behind the petitioner, his only daughter and the widow. The petitioner was minor

at the time of death of her father and in course of time she passed her matriculation. She was given marriage to a person who has no independent income of his own. In the said peculiar state of affairs the petitioner has asked for appointment on compassionate ground. Although strictly within the definition of "Family member" the petitioner does not come, our attention has been drawn to amended Rule 16 as follows:

"The State Government where satisfied that the operation of all or any provisions of these Rules causes undue hardship in any provisions to such extent as it may consider necessary for dealing with the case in a just and equitable manner.

2. Such cases shall be examined in General Administration Department and Orders of the Chief Minister shall be obtained."

3. We find in the instant case that abnormal cases require abnormal prescription. The petitioner wants to help the family in distress. The family includes her widow mother and an unemployed husband. It is an extreme case of hardship where it may need relaxation of strict compliance of the definition "family member to discard a married daughter" in this peculiar circumstance.

4. Considering this aspect, we dispose of this writ petition by granting leave to the petitioner to make an appropriate application for appointment under the Rehabilitation Assistance Scheme which application would be examined in the General Administration Department and order from the Chief Minister may be obtained so that the distress family can be saved and appointment of the petitioner on compassionate ground may be considered and given without making it as a precedent. All the exercise may be completed within a period of three months from the date of filing of such application. No costs.