



IN THE HIGH COURT OF ORISSA AT CUTTACK

WP(C) No.4609 of 2026

Banita Behera

.....

Petitioner

Represented by Adv. -
Subhadutta Routray

-versus-

1) State Of Odisha

.....

Opposite Parties

2) Director, elementary Education,
Bhubaneswar
3) State Project Director, Orissa Primary
Education Programme Authority, Opepa,
Bhubaneswar
4) District Education Officer,
Nabarangpur
5) Block Education Officer, Raighar
Block

Represented by Adv. –
Smt. S. Nayak, ASC

CORAM:

MR. JUSTICE ADITYA KUMAR MOHAPATRA

ORDER

24.02.2026

Order No.

01. 1. This matter is taken up through Hybrid mode.
2. Heard the learned counsel for the Petitioner as well as learned
 counsel for the State. Perused the writ application as well as the
 documents annexed thereto.
3. By filing the present writ application, the Petitioner seeks the
 following prayer.

*“It is therefore, most humbly prayed that this Hon'ble
Court be graciously pleased to*

i) Admit the writ application.

ii) Call for the record.

*iii) Issue a writ in the nature of mandamus or any other
writ/writs, direction/directions directing the opposite
parties to regularize the petitioner as Level-V Assistant*



Teacher (ex-cadre) w.e.f. 16.02.2008 i.e. the date of the Resolution No.3358/SME under Annexure and to grant all consequential service and financial benefits by modifying the Office Order dated 07.03.2024 under Annexure: 7 in terms of the Judgment dated 08.12.2025 passed in WP (C) No. 15973/2025 (Smt. Sandhyarani Mishra Versus State of Odisha and others) under Annexure;8 within a reasonable time to be stipulated by this Hon'ble Court,

iv) And/or pass such other order/orders, direction/directions as this Hon'ble Court may deems fit and proper for the ends of justice.

And for the said act of kindness, the petitioner as in duty bound shall ever pray.”

4. Learned counsel for the Petitioner at the outset contended that the Petitioner was initially appointed as Gana Sikshyak on 09.01.2009. On 22.12.2016 the modalities for regularization of Gana Sikshyak notified. Since the Petitioner at the regularity eligibility criteria and the case was not been considered for a regularization, the Petitioner earlier approached this Court by filing W.P.(C) No.8702 of 2020. The coordinate Bench of this Court vide order dated 16.12.2020 to dispose of the writ application with a direction to the Opposite Party No.1 to consider the representation of the Petitioner. Since the order dated 16.12.2020 was not been implemented the Petitioner was compelled file CONTC No.5867 of 2021 which was disposed of vide order dated 07.10.2021.

5. While this Court is of the position, finally the Opposite Parties regularize the service of the Petitioner with effect from 04.03.2024 by their order dated 07.03.2024 against a Level-V Assistant Teacher (Ex-Cadre) post. The close grievance of the Petitioner, the present writ application is that although the Petitioner is eligible to be regularized with effect from 08.01.2017 however,



his services were regularized only with effect from 04.03.2024.

6. On perusal of the writ application as well as the documents annexed thereto, this Court observed that the Petitioner has not approach the Opposite Parties for redressal of his grievance with regard to antedation of his date of regularization with effect from 08.01.2017. Learned counsel for the Petitioner in course of his argument. Further submitted that the case of the Petitioner is squarely covered by the ratio laid down by this Court in ***Smt. Sandhyarani Mishra vs. State of Odisha and others*** decided in W.P.(C) No.15973 of 2025, disposed of vide judgment dated 08.12.2025. On such ground, learned counsel for the Petitioner contended that the Petitioner is also entitled to the relief sought for by him the present writ application the light of judgment dated 08.12.2025.

7. Learned counsel for the State on the other hand contended that he has no specific instruction in the matter. He further contended that the Petitioner has not approached the Opposite Party before approaching this Court by filing the present writ application. In such view of the matter, learned counsel for the State contended that in the event, this Court grants liberty to the Petitioner to approach the Opposite Party No.1 by filing a detailed representation with a corresponding direction to the Opposite Party No.1 to consider the same in accordance with law within a stipulated period of time, he will have no objection to the same.

8. Considering the submissions made by learned counsels appearing for respective Parties, on a careful examination of the background facts. Further taking into consideration, the limited nature of the grievance, this Court deems it proper to dispose of the



present writ petition at the stage of admission by granting liberty to the Petitioner to approach the Opposite Party No.1 by filing a detailed representation taking therein all the grounds along with supporting documents within three weeks from today. In such eventuality, the Opposite Party No.1 shall do well to consider the case of the Petitioner in accordance with law keeping in view the judgment in *Sandhyarani Mishra's case (supra)* within a period of eight weeks from the date of communication of a copy of today's order. The representation of the Petitioner shall be disposed of by passing a speaking and reasoned order and the final decision so taken be communicated to the Petitioner within ten days thereafter.

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

(Aditya Kumar Mohapatra)
Judge

Sisir