



IN THE HIGH COURT OF ORISSA AT CUTTACK

WP(C) No.5930 of 2026

Dr. Dipika Dash

.....

Petitioner

Represented by Adv. -
Durgesh Narayan Rath

-versus-

State Of Odisha & Anr.

.....

Opposite Parties

Represented by Adv. -
Mr. U.C.Jena, A.S.C.

CORAM:

**THE HON'BLE MR. JUSTICE ADITYA KUMAR
MOHAPATRA**

ORDER

Order No.

25.03.2026

- 02.
1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
 2. Heard learned counsel for the Petitioner as well as learned Additional Standing Counsel for the State-Opposite Parties. Perused the writ application as well as the prayer made therein.
 3. The Petitioner has filed the present writ application with the following prayer:

“Under the above circumstance, it is therefore humbly prayed that this Hon'ble Court may be graciously pleased to issue a writ in the nature of writ of mandamus or any other appropriate writ, direction or order by quashing the order dated 12.01.2026 passed by the opposite party no.2 vide Annexure-11 to the writ petition.

And this Hon'ble Court be further pleased to direct the opposite parties, more particularly the opposite party no.2 to extend all the benefits including financial benefit in favour of the petitioner during her maternity



leave period from 11.02.2025 to 10.08.2025.

And this Hon'ble Court be pleased to pass any further order/ orders, direction/ directions as this Hon'ble Court deems fit and proper in the facts and circumstances of the case.”

4. Learned counsel for the Petitioner at the outset contended that the Petitioner, who happens to be a contractual employee, has approached this Court by filing the present writ application challenging order dated 12.01.2026 passed by the Registrar, Odisha University of Technology and Research at Annexure-11 to the writ application. In course of his argument, learned counsel for the Petitioner contended that the present Petitioner, who happens to be a guest faculty member of the Opposite Party No.2-University, applied for maternity leave to the University. However, no decision was being taken by the Opposite Party No.2-University on the leave application. Accordingly, the Petitioner approached this Court earlier by filing W.P.(C) No.33508 of 2025 which was disposed of vide order dated 27.11.2025 directing the Opposite Party No.2 to consider the representation of the Petitioner in the light of the judgment in ***Smt. Anindita Mishra's case*** within a period of three weeks.

5. Learned counsel for the Petitioner further contended that after disposal of the earlier writ application, the Petitioner again approached the Registrar of the University-Opposite Party No.2 by filing a representation. Such representation was taken up for consideration by the Opposite Party No.2 and by virtue of impugned order dated 12.01.2026 at Annexure-11, the Opposite Party No.2 has once again rejected the prayer of the Petitioner for grant of maternity leave. While assailing the impugned order dated 12.01.2026, learned counsel for the Petitioner specifically contended that although this



Court has laid down the ratio in *State of Odisha and another vs. Smt. Anindita Mishra* in *W.A. No.1074 of 2023* decided vide judgment dated 24.06.2025 and this Bench in *Niharika Panda vs. State of Odisha & Ors.* in *W.P.(C) No.19381 of 2025* disposed of vide judgment dated 10.02.2026, the Opposite Parties ignoring the ratio laid down by this Court have once again arbitrarily and illegally rejected the prayer of the Petitioner for grant of maternity leave. Further, referring to the impugned order dated 12.01.2026, learned counsel for the Petitioner contended that the prayer of the Petitioner for maternity leave has been rejected on the ground that the persons engaged in temporary schemes and short-term duration for less than a year will not eligible for maternity leave. In the present case, it is not disputed that the Petitioner was engaged on a contractual basis. The Opposite Party No.2 by referring to the O.M. dated 10.08.2016 rejected the prayer of the Petitioner for grant of maternity leave. He further submitted that such order dated 12.01.2026 at Annexure-11 is contrary to the ratio laid down by this Court in the abovenoted two judgments. Hence, it was prayed that the impugned rejection order be quashed.

6. Learned counsel for the Opposite Parties on the other hand contended that pursuant to the order passed by this Court on 27.11.2025, in the earlier writ application, the grievance of the Petitioner was considered by the Opposite Party No.2 and that the representation of the Petitioner has been disposed of by passing a speaking and reasoned order dated 12.01.2026. He further submitted that the Opposite Party No.2, by referring to the Government of Odisha O.M dated 10.08.2016, has been pleased to reject the prayer of the Petitioner for grant of maternity leave. He further submitted that since the Petitioner is a contractual employee, she is not entitled



to the maternity leave and on such ground learned counsel for the Opposite Parties contended that the Opposite Party No.2 has not committed any illegality in rejecting the prayer of the Petitioner vide order dated 12.01.2026 at Annexure-11 and hence the impugned order at Annexure-11 does not call for any interference by this Court and, as such, the present writ application being devoid of merit, is liable to be dismissed.

7. Having regard to the submissions made by the learned counsel appearing for the respective parties, on a careful examination of the background facts, this Court found the ground of rejection to be very strange, it observes that the prayer of the Petitioner for maternity leave was rejected on the ground that the Petitioner is a temporary employee. The aforesaid issue was directly and substantially in issue in the abovenoted two judgments of this Court. It appears that the Opposite Parties have proceeded on the footing that the temporary employees do not require maternity leave and that it is only the right of the regular employees to get maternity leave. The policy decision of the Government so far grant of maternity leave to the female employees has to be uniform irrespective of the nature of the engagement. The motherhood of the female employee does not depend upon the nature of her employment, i.e. whether she is a permanent employee or a temporary/contractual employee. Granting such relief to the permanent employees and refusal thereof to the temporary/contractual employees will create discrimination among the female employees and the same would definitely fall under the principle of Article 14 of the Constitution of India. Such aspect has been taken note of by a Division Bench as well as by this Bench in the abovenoted two judgments.



8. On a critical analysis of the impugned order dated 12.01.2026 at Annexure-11, this Court found that although there was a specific direction by this Court in the earlier writ application to consider the case of the Petitioner in the light of the judgment in ***Smt. Anindita Mishra's case***, however, the Opposite Parties have neither referred to nor discussed the aforesaid judgments in the impugned order at Annexure-11 to the writ application. In view of the aforesaid factual as well as legal analysis, this Court is of the view that the impugned rejection order dated 12.01.2026 at Annexure-11 is unsustainable in law. Accordingly, the same is hereby quashed. Further, the matter is remanded back to the Opposite Parties to reconsider the claim of the Petitioner in terms of the judgment of this Court in the abovenoted two judgments and pass necessary consequential order within a period of four weeks from the date of production of a copy of today's order.

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

10. Issue urgent certified copy of this order as per Rules.

(A.K. Mohapatra)

Judge