



IN THE HIGH COURT OF ORISSA AT CUTTACK

WP(C) No.8890 of 2026

Ganesh Prasad Palai

.....

Petitioner

Represented by Adv. -
Kunal Kumar Swain

-versus-

state of Odisha and others

.....

Opposite Parties

Represented by Adv. –

Mr. S. Behera, AGA

CORAM:

MR. JUSTICE ADITYA KUMAR MOHAPATRA

ORDER

23.03.2026

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner as well as learned Additional Government Advocate for the State. Perused the writ petition as well as the documents annexed thereto.
3. By filing the present writ application the Petitioner has sought for the following relief:-

“Under the above circumstances, it is humbly prayed that the writ petition may be allowed;

And

(A) a writ of Certiorari or an appropriate writ may be issued quashing the impugned order dated 09.02.2026 issued by the District Education Officer, Bhadrak under Annexure:8 and necessary direction may be made to the



opposite parties to allow the petitioner to work as Peon in the School in question pursuant to the Government order dated 23.01.1981 under Annexure:4 as his appointment was approved against the post of Peon instead of Night Watchman-cum-Sweeper and in case the petitioner is allowed to work as Night Watchman-cum-Sweeper he may be allowed to work for eight hours with one day leave / holiday in a week including the benefit of other holidays in terms of resolution dated 30.05.1996 issued by the Government of Odisha in General Administration Department, Bhubaneswar under Annexure:6, within a time to be stipulated by this Hon'ble Court;

(B) And any other order / orders or direction / directions may be issued so as to give complete relief to the petitioner;

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

4. Learned counsel for the Petitioner at the outset contended that the Petitioner on being duly selected was appointed as a 3rd Peon in B.C. High School, Ertal in the district of Bhadrak on 20.07.1992. Thereafter his appointment was approved by order dated 06.08.1992 by the Inspector of School, Bhadrak Circle against 3rd post of Peon. While this was the position the school in question was taken over by Government by virtue of Resolution dated 16.12.1994. Learned counsel for the Petitioner further submitted that after the school in question was taken over by the State Government, the Petitioner was transferred to Sridhar Ekadasi High School, Lunga in the district of Bhadrak on 08.07.2016.



5. In course of his argument, learned counsel for the Petitioner raised objection with regard to the fact that the Petitioner has been appointed against the 3rd post of Peon however he has been asked to work as a Night Watchman-cum-Sweeper. He further contended that as per the Government Circular dated 23.01.1981 it is clearly provided that Class-IV employees appointed against the particular cadre could not be appointed, transferred or posted to another category of Class-IV post which belongs to a different cadre.

6. Learned counsel for the Petitioner at this juncture contended that under a compulsion the petitioner continued to discharge his duties as Night Watchman-cum-Sweeper in Sridhar Ekadasi High School, Lunga. He further contended that the Petitioner was asked to perform his duties for almost seventeen hours in day without any leave/holidays being allowed to him.

7. In the aforesaid context, learned counsel for the Petitioner referring to G.A. Department, Government of Odisha Resolution dated 30.05.1996 stated before this Court that as decided by the Government a Night Watchman-cum-Sweeper shall be allowed a day's leave in every week. A copy of such resolution has also been attached to the writ application at Annexure-6. Learned counsel for the Petitioner at the juncture further submitted that earlier the Petitioner has approached this Court by filing W.P.(C) No.6408 of 2025



which was disposed of vide order dated 03.04.2025 with a direction to the Opposite Parties to consider the grievance of the Petitioner. He further submitted that despite such direction the grievance of the petitioner was not properly considered.

8. In the aforesaid context, learned counsel for the Petitioner also referred to the impugned rejection order dated 09.02.2026 at Annexure-8. By virtue of the impugned order dated 09.02.2026, the DEO, Bhadrak without considering the grievance of the Petitioner in proper perspective has rejected the representation of the Petitioner. Being aggrieved by such rejection of his representation by a cryptic order without referring G.A. Department resolution, the Petitioner has once again approached this Court by filing the present writ application.

9. Learned counsel for the State on the other hand contended that he has no specific instruction in the matter. However, referring to the impugned rejection order dated 09.02.2026 at Annexure- 8, learned Addl. Government Advocate contended before this Court that the grievance of the Petitioner was duly considered by the DEO, Bhadrak- Opposite Party No.3 and that the same has been rejected by passing a reasoned order. In such view of the matter, learned counsel for the State contended that the present writ application is devoid of merit and accordingly, the same should be dismissed.



10. On a careful examination of order dated 09.02.2026 at Annexure-8, this Court observed that the grievance of the Petitioner as involved his representation has been disposed of by passing a cryptic order. On a close scrutiny of the impugned order dated 09.02.2026, this Court observed that the real issue involved in the dispute has not been addressed by the Opposite Party No.3 while disposing of the representation of the Petitioner. It further appears that although the Petitioner, referring to the G.A. Department resolution, has claimed a day's leave in every week as has been allowed by the State Government, however, the Opposite Party No.3 while considering the representation of the Petitioner has not dealt with the aforesaid aspect of the matter. In view of the aforesaid position, further on a close scrutiny of order dated 09.02.2026, this Court is of the view that the aforesaid impugned order is not in conformity with the order passed by this Court on 03.04.2025 in W.P.(C) No.6408 of 2025. Hence, this Court has no hesitation in setting aside the order dated 09.02.2026 at Annexure-8. Accordingly, the same is hereby set aside.

11. Further the matter is remanded back to the Opposite Party No.3 to consider the case of the Petitioner afresh and dispose of the same by passing a speaking and reason order taking into consideration the grounds raised by the Petitioner, particularly the resolution of the G.A. Department dated 30.05.1996. The representation of the Petitioner shall be disposed of within eight weeks from the date of production of



certified copy of this order by passing a speaking and reasoned order and such final order be communicated to the Petitioner within ten days thereafter.

12. With the aforesaid observation and direction, the writ petition stands disposed of.

(A.K. Mohapatra)
Judge

Sisir