



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.7531 of 2022

Rashmitanjali Behera

....

Petitioner

Mr. B.S. Rayaguru, Advocate

-versus-

State of Odisha & Ors.

....

Opposite Parties

Mr. P.K. Panda, ASC

CORAM:

JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

29.07.2026

Order No.

07. 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical) Mode.

2. Heard learned counsel appearing for the Parties.

3. Petitioner has filed the present Writ Petition *inter alia* with the following prayer:-

“It is therefore, prayed that this Hon’ble Court may be graciously pleased to issue notice to the opp. Parties requiring them to show cause as to why the writ petition shall not be allowed and if the opp. Parties fail to show cause or show insufficient cause, may be pleased to allow the writ petition by quashing the Order of the Appellate Authority under Annexure-20 read with the Order of Termination under Annexure-16 and further be pleased to direct reinstatement of the Petitioner with all service benefits including regularization in service;

And may also be pleased to pass such other or further orders as may be deemed fit and proper in the facts and circumstances of this case;

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



4. It is contended that Petitioner was appointed as a MPHWS (F) / ANM on contractual basis vide order of appointment issued on 04.11.2013 under Annexure-1 of Opposite Party No.4.

4.1. It is contended that while so continuing vide order dtd.13.01.2014 of the Collector, Koraput-Opposite Party No.3, Petitioner was deputed to work in Government (SSD) Girls High School, Balda in the district of Koraput. However, while so continuing in the School in question on being deputed, Petitioner was placed under suspension vide order dtd.26.10.2017 of Opposite Party No.3 under Annexure-5, on the ground that for the laches committed by the Petitioner, Sri Bidhu Bhusan Naik, Headmaster of the School, sexually harassed a girl student of the School so reading in Clause-IX at the relevant point of time.

4.2. It is contended that Petitioner thereafter when made a grievance before Opposite Party No.3 with a prayer to revoke the order of suspension on 07.12.2018 and the same was not considered, she approached the Tribunal by filing O.A. No.1387 of 2019. The Tribunal vide order dtd.12.04.2019 under Annexure-21, disposed of the original application by directing Opposite Party No.1 to take a decision on the Petitioner's claim, so far as revocation of the order of suspension is concerned.

4.3. It is contended that on receipt of the order so passed by the Tribunal, Petitioner was issued with a fresh show-



cause by Opposite Party No.4 on 30.04.2019 under Annexure-10 with the plea that why Petitioner will not be terminated from her service, because of the wrong committed by the Headmaster of the School on an inmate of the School.

4.4. Even though Petitioner submitted the reply to the show cause under Annexure-11, but Opposite Party No.3 passed an order on 21.09.2019 under Annexure-9 recommending termination of the Petitioner along with the matron namely Ranjuktabala Samal.

4.5. It is contended that subsequently vide order dtd.22.03.2021 under Annexure-14, Opposite Party No.4 while rejecting the Petitioner's claim for regularization held that since Petitioner has already been disengaged from her contractual post w.e.f. 26.10.2017 vide order dtd.15.10.2019 under Annexure-16, Petitioner cannot get the benefit of regularization.

4.6. It is further contended that order dtd.15.10.2019 under Annexure-16 was passed taking into account the order passed by the Collector, Koraput-Opposite Party No.3 on 04.09.2019 under Annexure-9.

4.7. While assailing the order of termination, Petitioner approached this Court in W.P.(C) No.24568 of 2021. This Court vide order dtd.06.09.2021 under Annexure-19 when directed for consideration of the Petitioner's claim,



Opposite Party No.2 rejected such claim of the Petitioner to get the benefit of re-engagement vide the impugned order dtd.02.02.2022 under Annexure-20.

4.8. Learned counsel appearing for the Petitioner contended that even though Petitioner along with Ranjuktabala Samal, the matron of the Hostel were terminated basing on the orders passed by the Collector on 04.09.2019 under Annexure-9 and consequential order issued on 15.10.2019 under Annexure-16, but pursuant to the order passed by this Court in WPC (OAC) No.3562 of 2017 so filed by Ranjuktabala Samal on dtd. 05.02.2024, Ranjuktabala Samal was re-engaged vide order dtd.18.11.2024 under Annexure-24. Not only that Headmaster of the School after being acquitted in the criminal proceeding vide judgment dtd.24.02.2021 in T.R. No.8 of 2018 by the learned Addl. Sessions Judge-cum-Special Judge, Jaipur, he has also got the benefit of reengagement in the meantime vide order dtd.28.12.2023 under Annexure-23.

4.9. It is accordingly contended that since the main culprit, who happens to be the Headmaster after his acquittal in the criminal proceeding vide judgment dtd.24.02.2021 under Annexure-18, has got the benefit of reinstatement and the matron of the Hostel namely Ranjuktabala Samal pursuant to the order passed by this Court on 05.02.2024 in W.P.(C) (OAC) No.3562 of 2017



under Annexure-25, has got the benefit of re-engagement vide order dtd.18.11.2024 under Annexure-24, Petitioner being similarly situated she is also eligible and entitled to get the benefit of re-engagement with quashing of the impugned order of termination and confirmation of the same.

4.10. It is accordingly contended that with quashing of the impugned order dtd.02.02.2022 so passed by Opposite Party No.2 under Annexure-20 and so also order dtd.04.09.2019 and 15.10.2019 under Annexures-9 and 16, Opposite Party Nos.3 and 4 be directed to re-engage the Petitioner as MPHWS (F) and the break period of service be regularized on notional basis.

5. Learned Addl. Standing Counsel for the State on the other hand while supporting the impugned order made his submission basing on the stand taken in the counter affidavit.

5.1. It is the main contention of the learned Addl. Standing Counsel that, since Petitioner at the relevant point of time was continuing on contractual basis, there was no requirement to initiate a proceeding against the Petitioner and basing on the show cause issued by the CDMO- Opposite Party No.4 and the order passed by the Collector on 04.09.2019 under Annexure-9, Petitioner was terminated vide order dtd.15.10.2019 w.e.f. 26.10.2017 under Annexure-16.



5.2. It is contended that Petitioner was not a regular employee at the relevant point of time and because of her inaction the Headmaster of the School sexually harassed the inmate of the School. Because of such negligence on the part of the Petitioner, she has been rightly terminated.

5.3. It is also contended that this Court when directed for consideration of the Petitioner's grievance, Opposite Party No.2 after going through the materials placed before him, confirmed the order of termination with dismissal of the application filed by the Petitioner vide order dtd.02.02.2022 under Annexure-20.

5.4. It is however not disputed that the Headmaster of the School in the meantime has got the benefit of reinstatement vide order dtd.28.12.2023 and the matron of the Hostel pursuant to the order passed by this Court in W.P.(C) (OAC) No.3562 of 2017, has got the benefit of re-engagement vide order dtd.18.10.2024 under Annexure-24.

6. Having heard learned counsel appearing for the Parties and considering the submissions made, this Court finds that Petitioner was appointed as MPHWS (F) / ANM vide order dtd.04.11.2013 under Annexure-1. While so continuing, Petitioner was deputed to work in the School in question vide order issued by Opposite Party No.3 on 13.01.2014. While so continuing in the School with the



allegation that because of the negligence on the part of the Petitioner, Headmaster of the School sexually harassed an inmate of the Hostel, Petitioner was placed under suspension vide order dtd.26.10.2017 under Annexure-5.

6.1. Subsequently, Petitioner when claimed for reinstatement, the same when was rejected, Petitioner was so terminated from her services vide order dtd.15.10.2019 under Annexure-16, basing on the order passed by the Collector-Opposite Party No.3 on 04.09.2019 under Annexure-9 w.e.f. 26.10.2017.

6.2. Challenging such order of termination, Petitioner when moved Opposite Party No.2 and this Court directed for its consideration in W.P.(C) No.24568 of 2021, claim of the Petitioner to get the benefit of re-engagement was rejected vide order dtd.02.02.2022 under Annexure-20.

6.3. This Court finds that Petitioner was placed under suspension and was subsequently terminated because of the alleged negligence on her part and thereby permitting Headmaster of the School to sexually harass an inmates of the Hostel. However, it is found that Headmaster of the School after being acquitted in the criminal proceeding vide judgment dtd.24.02.2021 under Annexure-18, was reinstated in his services vide order dtd.28.12.2023 under Annexure-23. Not only that the matron of the School, who was also terminated along with



the Petitioner for her alleged negligence, basing on the order passed by this Court in WPC (OAC) No.3562 of 2017 under Annexure-25, has got the benefit re-engagement vide order dtd.18.11.2024 under Annexure-24 of Opposite Party No.3.

6.4. Since the main culprit, who happens to be Headmaster of the School after his acquittal in the criminal proceeding has got the benefit of reinstatement and the matron who is also similarly responsible as like the Petitioner, has got the benefit of re-engagement vide orders issued under Annexures-23 and 24, it is the view of this Court that the rejection of the Petitioner's claim to get the benefit of re-engagement vide order dtd.02.02.2022 under Annexure-20 and the order of termination passed on 15.10.2019 under Annexure-16 and so also the order passed by the Collector, Koraput under Annexure-9 are no more sustainable in the eye of law.

6.5. Therefore, this Court while quashing the orders issued by the Collector-Opposite Party No.3 on 04.09.2019 under Annexure-9, order dtd.15.10.2019 so issued by Opposite Party No.4 under Annexure-16 and order dtd.02.02.2022 so passed by Opposite Party No.2 under Annexure-20, directs Opposite Party No.3 to reinstate the Petitioner in her services with passing of an appropriate order within a period of four (4) weeks hence.



However, the break period of service be regularized on notional basis and on such regularization of the break period of service, Petitioner's claim to get the benefit of regularization be considered.

7. Accordingly, the Writ Petition stands disposed of with the aforesaid observations and directions.

(Biraja Prasanna Satapathy)
Judge

Subrat