



IN THE HIGH COURT OF ORISSA AT CUTTACK

**W.P.(C) Nos.4608, 4747, 4753, 4839, 4950, 5400, 5483,
5747, 6121, 6314, 6331, 6504, 6506, 6509, 6511, 6517,
6518, 6522, 6535, 6542, 6543, 6544, 6548, 6552, 7531,
7533, 7534, 7535, 7536, 7545, 7557, 7559, 8214, 8217,
8476 & 8468 of 2026**

Lili Sutar and Others

Petitioners

Mr. S.K. Gartia, Adv.
Mr. H.N. Mohapatra,
Adv.
Mr. S.K. Dalai, Adv.
Mr. K.C. Sahu, Adv.
Mr. N. Rath, Adv.

-versus-

**State of Odisha and
Others**

Opp. Parties

Mr. S. Das, ASC

**CORAM:
JUSTICE BIRAJA PRASANNA SATAPATHY**

**Order
No**

**ORDER
25.03.2026**

- 03.** 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical) Mode.
2. Heard learned counsel for the parties.
3. Pursuant to order dated 12.02.2026, learned Addl. Standing Counsel produced the instruction provided by the department vide letter dated 11.03.2026. The same be kept in record.



4. Basing on the instruction, it is contended that the impugned Resolution dated 28.01.2026 has been issued with due approval of the Finance Department as well as of the Govt. It is contended that in view of the Resolution so issued, necessary change will be made in the cadre rule and it will be notified in the Gazette after obtaining cabinet approval.

5. To the instruction so provided, learned counsels appearing for the petitioners vehemently contended that as per the earlier rule which was governing the field i.e. Odisha Health Extension and Communication Service (Method of Recruitment and conditions of service) Rules, 2013 (in short Rules), composition of service as provided under Rule-3 reads as follows:-

“3. Composition of Service:

The service shall consist of the following cadre namely:- (a) Public Health Extension Officer (b) Assistant District Public Health Communication Officer (c) District Public Health Communication Officer.”

5.1. It is contended that as provided under Rule-4(a) of the Rules, post of PHEO which was a base level post under Rule-3, was required to be filled up from amongst the regular Field Health Staff of Multipurpose Health Supervisor and Multipurpose Health Workers, both male and female who are having required qualification and experience as prescribed under Rule-6.



5.2. However, as per the impugned resolution so issued on 28.01.2026 more particularly in Para-2 of the Resolution, while changing the designation of the post from PHEO to PHCO, it has been decided to fill up the said base level post by way of direct recruitment and thereby closing the benefit of promotion to the post of PHEO so available to the petitioners.

5.3. It is also contended that, prior to amendment of the rules, no such resolution could have been issued by the Govt. on 28.01.2026.

6. Learned Addl. Standing Counsel is directed to obtain instruction as to how prior to amendment of the Rules governing the field, the impugned Resolution has been issued. It is also apparent from the instruction so provided, that the Rule has not yet been amended.

7. As requested by learned Addl. Standing Counsel that he will obtain positive instruction in the matter, list this matter in the week commencing 20.04.2026.

8. Interim order passed earlier shall continue till the next date.

Free copy to Mr. S. Das, learned Addl. Standing Counsel for compliance.

(Biraja Prasanna Satapathy)
Judge