



IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) No.8552 of 2026

Trilochan Mahanta

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Petitioner

Represented by Adv. –
Mr. Subhadutta Routray

-versus-

State of Odisha and others.

.....

Opposite Parties

Represented by Adv. –
Mr. D.K. Sahoo, AGA

CORAM:
THE HON'BLE MR. JUSTICE ADITYA KUMAR MOHAPATRA
ORDER
23.03.2026

Order No.

- 01.
1. This matter is taken up through Hybrid mode.
 2. Heard learned counsel for the Petitioner as well as learned counsel for the State-Opposite Parties. Perused the writ application as well as the documents annexed thereto.
 3. The Petitioner has filed the present writ application with 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 Rule NISI calling upon the opposite parties more particularly Opposite Party No.3 as to why the impugned order of regularization dated 16.10.2023 under Annexure-6 shall not be modified.
- iv) If the opposite parties more particularly opposite party No.3 fails to show cause or show



insufficient cause, issue a writ in the nature of Certiorari or any other writ / writs, direction /directions, order / orders by modifying the impugned order of regularization dated 16.10.2023 under Annexure-6.

v) Issue a writ in the nature of mandamus or any other writ/writs, direction/directions directing the Opp. Parties to regularize the service of the petitioner against the TGT post and allow them scale of pay corresponding to TGT post keeping in view that the petitioner possess the required qualification within a time frame to be stipulated by this Hon'ble Court.

vi) And further allow all the consequential service and financial benefits as due and admissible to the petitioner within a time stipulated by this Hon'ble Court.

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

4. The factual background of the case leading to filing the present writ petition, in short, is that pursuant to an advertisement published on 29.12.2015 by the Opposite Party No.3, a recruitment test was carried out for appointment to the post of Sikshya Sahayak (trained/untrained). Pursuant to such advertisement the Petitioner along with other eligible candidates submitted their candidature. Eventually, the Petitioner was selected for appointment to the post of Sikshya Sahayak, and accordingly, he was issued with an engagement order dated 28.05.2016.

5. While this was the position, the Government through Opposite Party No.1 published a guideline with regard to engagement of Sikshya Sahayak on 17.10.2023. Learned counsel for the Petitioner, at this juncture, contended that on 29.10.2013 the Government of Odisha approved 2226 number of posts of Sikshya Sahayaks.



Accordingly, the Opposite Party No.1 addressed a letter dated 05.08.2023 to the Collectors of the different Districts in the State of Odisha for regularization of the service of Sikshya Sahayaks. Pursuant to the aforesaid letter dated 05.08.2023, the service of the Petitioner was regularized as a Matric C.T. Teacher on 16.10.2023.

6. The grievance of the Petitioner in the present writ petition is that although the Petitioner is having B.A. B.Ed. qualification and is eligible to be appointed as a T.G.T. Teacher, however, he has been regularized in the post of Matric C.T. Teacher. In the aforesaid context, learned counsel for the Petitioner referring to the judgment of the Coordinate Bench in *Geeta Bal v. State of Odisha and Ors.* decided in *W.P.(C) No.12955 of 2021* vide judgment dated 23.09.2025, stated before this Court that the learned Coordinate Bench has categorically held that such appointment of a person who was **holding TGT post against a Matric C.T. post is legally unsustainable**. On such ground, learned counsel for the Petitioner contended that the conduct of the Opposite Parties in regularizing the Petitioner against the post of Matric C.T. Teacher is illegal. He further submitted that necessary direction be given to the Opposite Parties to regularize the Petitioner against TGT post.

7. Learned counsel for the State, on the other hand, contended that although he has no specific instruction in the matter, however taking into consideration the impugned order dated **16.10.2023** at Annexure-6, whereunder the service of the Petitioner has been regularized, the conduct of the Opposite Parties does not call for any interference by this Court at this juncture. He further submitted that in the event the Petitioner has any grievance, he should have approached the Opposite Parties first instead of approaching this



Court by filing the present writ petition. On such ground, learned counsel for the State contended that the present writ petition is premature.

8. Considering the submissions made by the learned counsels appearing for the respective parties, on a careful analysis of their submission and on a close scrutiny of the document annexed to the writ petition, further keeping in view the judgment of the Coordinate Bench in **Geeta Bal's** case (supra), this Court deems it proper to dispose of the writ petition at the stage of admission by granting liberty to the Petitioner to approach the Opposite Party No.2 by filing a representation taking therein all the grounds along with all supporting documents within three weeks from today. In such eventuality, the Opposite Party No.2 shall consider such representation of the Petitioner strictly in accordance of the Rules as well as the applicable law and dispose of the representation by passing a speaking and reasoned order within a period of eight weeks thereafter. The final decision so taken be communicated to the Petitioners within ten days thereafter.

9. With the aforesaid observations/directions, the writ application stands disposed of.

Issue urgent certified copy of this order as per Rules.

(Aditya Kumar Mohapatra)
Judge

Debasis