



IN THE HIGH COURT OF ORISSA AT CUTTACK
WP(C) No.11912 of 2026

Benudhara Nandi

.....

Petitioner

Represented by Adv. -
Pitambar Panda

-versus-

State of Odisha & Ors.

.....

Opposite Parties

Represented by Adv. –
S.K. Parhi, A.S.C.

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

ORDER
21.04.2026

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel appearing for the Petitioner as well as learned Additional Standing Counsel appearing 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:

“Therefore, it is most humbly prayed that this Hon’ble Court may be graciously pleased to admit this writ petition, issue rule Nisi calling upon the Opp. Parties to show cause as to why the Opp. Parties shall not be directed to implement the PwD quota in promotion from one cadre to another cadre in consonance to RPwD Act, 2016 and SSEPD resolution dtd. 25.02.2021 preparing final gradation list of Junior SES for the promotion to the



cadre of Sr. SES, Headmasters and issuing the writ of mandamus, directing the opposite parties to prepare a fresh updated gradation list implementing the PwD quota in promotion as per provision under section 34 of PWD Act, 2016 while quashing the impugned gradation list dtd.09.02.2026, under Annexure-6.

And, pass any order/ orders as deemed just and proper.”

4. Learned counsel for the Petitioner at the outset contended that initially the Petitioner, who happens to be a physically handicapped person, was issued with a physically handicapped certificate on 27.01.2004. Thereafter, the Petitioner participated in the recruitment process and he was selected as against a post reserved for the person with disability and, accordingly, the Petitioner joined in duty on 03.10.2008. Thereafter, the service of the Petitioner was regularized with effect from 03.10.2014 as Junior SES, TGT (PCM).

5. While this was the position, the SSEPD Department, Government of Odisha on 25.02.2021 came up with a resolution in respect of the PwD quota. Drawing attention of this Court to the resolution dated 25.02.2021 at Annexure-3, learned counsel for the Petitioner referred to Clause-23 of that notification and stated before this Court that a policy decision has been taken with regard to reservation of posts for the persons with disability as per the RPwD Act, 2016. He further contended despite the provision contained in the RPwD Act, 2016 and the resolution of the State Government dated 25.02.2021 at Annexure-3, the case of the Petitioner was not considered for promotion against the post reserved for the person with disabilities. On the contrary, the



Opposite Parties have published the final gradation list at Annexure-6 without considering the case of the Petitioner for promotion to the next higher post. Being aggrieved by such conduct of the Opposite Parties, the Petitioner has approached this court by filing the present writ application.

6. Learned counsel for the State on the other hand contended that although he has no instructions in the matter, however, on a careful consideration of the documents attached to the writ application, it appears that the Petitioner has not approached the Opposite Parties for redressal of his grievance in view of the provisions contained in the abovenoted Act as well as the resolution of the Government at Annexure-3 to the writ application. In such view of the matter, learned counsel for the State contended that in the event this court grants liberty to the Petitioner to approach the Opposite Party No.2 for redressal of his grievance in accordance with law and the applicable rules/ resolutions, he will have no objection to the same.

7. Having heard the learned counsels appearing for the respective parties and on a careful examination of the background facts, further keeping in view of the limited nature of the grievance involved in the present writ application, this Court deems it proper to dispose of the present writ application at the stage of admission by granting liberty to the Petitioner to file a fresh representation before the Opposite Party No.2 taking therein all the grounds along with all supporting documents within two weeks from today. In such eventuality, the Opposite Party No.2 shall consider the case of the Petitioner keeping in view the provisions contained in RPwD Act, 2016 as well as the notification of the SSEPD Department,



Government of Odisha dated 25.02.2021 at Annexure-3 to the writ application. The Opposite Party No.2 shall do well to dispose of the representation by passing a speaking and reasoned order within a period of eight weeks from the date the Petitioner approaches the Opposite Party No.2 along with a copy of today's order. The final decision so taken be communicated to the Petitioner within 10 days thereafter. While considering the representation of the Petitioner, the Opposite Party No.2 shall take into consideration the judgment of the Division Bench of this court in ***Orissa Association for the Blind, Bhubaneswar vs. State of Odisha and others*** decided in ***W.P.(C) No.16512 of 2023*** vide order dated 30.01.2024 as well as the judgment of the Hon'ble Supreme Court in ***Siddaraju vs. State of Karnataka*** decided in ***Civil Appeal No.1567 of 2017*** vide order dated 28.09.2021. It is further directed that in the event the post of Senior SES, Headmasters has not been filled up in the meantime, one post shall not be filled up till disposal of the representation of the Petitioner by the Opposite Party No.2 in the manner as has been directed hereinbefore.

8. With the aforesaid observation/ direction, the writ application stands disposed of.

Issue urgent certified copy of this order as per Rules.

(A.K. Mohapatra)
Judge

Anil