



ORISSA HIGH COURT : CUTTACK

WP(C) No.13709 of 2026

An application under Articles 226 & 227 of the Constitution of India.

* * *

Upendra Kumar Behera

...

Petitioner.

-VERSUS-

State of Odisha & Others

...

Opposite Parties.

Counsel appeared for the parties:

For the Petitioner : Mr. S.K. Nath, Advocate

For the Opposite Parties : Mr. S. Nayak,
Addl. Standing Counsel.

P R E S E N T:

**HONOURABLE
MR. JUSTICE ANANDA CHANDRA BEHERA**



Date of Hearing : 06.05.2026 :: Date of Judgment : 06.05.2026

JUDGMENT

ANANDA CHANDRA BEHERA, J.—

1. This Writ Petition under Articles 226 and 227 of the Constitution of India, 1950 has been filed by the petitioner praying for quashing the impugned order No.30 dated 02.01.2019 (Annexure-5) passed by the Collector-cum-Chief Executive Officer, Zilla Parisada (Opp. Party No.2) relating to the disengagement of the petitioner from Swechhasevi Sikshya Sahayak and to direct the Opp. Parties through issuance of Writ of Mandamus for the reinstatement of the petitioner on the basis of the Judgment dated 17.06.2025 (Annexure-6) passed in Review Petition No.31/2025.

2. The case of the petitioner is that, he (petitioner) was properly selected as Swechhasevi Sikshya Sahayak as per order dated 26.12.2003 of the Opp. Party No.2 and accordingly, he (petitioner) had joined on dated 29.12.2003 in a primary school as Swechhasevi Sikshya Sahayak under



Soroda Block of Bhanjanagar Education District in the District of Ganjam.

When, he (petitioner) was continuing as Swechhasevi Sikshya Sahayak, surprisingly, all of a sudden as per Order No.30 dated 02.01.2019 (Annexure-5), the Opp. Party No.2 disengaged him (petitioner) from Swechhasevi Sikshya Sahayak without giving him (petitioner) an opportunity of being heard.

To which, the petitioner has challenged by filing this Writ Petition praying for quashing the Order No.30 dated 02.01.2019 (Annexure-5) of his disengagement from Swechhasevi Sikshya Sahayak issued by the Opp. Party No.2 on the basis of the Judgment dated 17.10.2025 passed in RVWPET No.31/2025 and to reinstate him.

3. I have already heard from the learned counsel for the petitioner and the learned ASC for the State.

4. During the course of hearing of this Writ Petition, the learned counsel for the petitioner cited the Judgment dated 17.10.2025 passed by this Court in RVWPET No.31/2025.



It appears from the Judgment dated 17.10.2025 passed in RVWPET No.31/2025 between **Banita Behera Vs. State of Odisha & Others** that, the petitioner in this Writ Petition is similarly placed with the petitioner of the aforesaid disposed of RVWPET No.31/2025.

Because, the Annexure-5, to which, the petitioner has challenged in this Writ Petition, the same was also under challenge in RVWPET No.31/2025 and like the petitioner, the petitioner in RVWPET No.31/2025 was serving as a Swechhasevi Sikshya Sahayak on being selected and appointed like the petitioner and the petitioner of RVWPET No.31/2025 was also disengaged by the Opp. Party No.2 in the same letter No.30 dated 02.01.2019 vide Annexure-5 by the Opp. Party No.2 like the petitioner, but the disengagement of the petitioner in RVWPET No.31/2025 has been quashed as per its Judgment dated 17.10.2025.

5. When the petitioner in this Writ Petition is similarly placed with the petitioner in RVWPET No.31/2025, then, as per law, the Judgment in this Writ Petition is required to be



passed alike to the aforesaid Judgment dated 17.10.2025 passed by this Court in RVWPET No.31/2025.

Because, it is the settled propositions of law that, like cases are to be decided alike and similarly placed petitioner in all the cases are entitled to get the equal treatment without any discrimination.

On this aspect, the propositions of law has already been clarified in the ratio of the following decisions:-

(i) In a case between **Ardhendu Sekhar Rath and another urs. State of Odisha and others: reported in 2019(II) OJR-491** that, Article 14 of the Constitution of India, 1950 prescribes equality before law, law should be deal alike with all in one class that, there shall be equity of treatment under equal circumstances, which means "that equals should not be treated unlike and unlike should not be treated alike, likes should be treated as alike."

(ii) In a case between **Dakshin Haryana Bijli Vitran Nigam and others urs. Bachan Singh reported in 2009(SC)-2745** that, as per Article 14 of the Constitution of India, 1950 is that, all persons similarly placed shall be treated alike,



both in privileges conferred and liabilities imposed. Equal laws would have to be applied to all in the same situation without any discrimination.

(iii) In a case between **Anupama Mallick urs. State of Odisha and others decided in W.P.(C) No.5813 of 2026 at Para No.6** that, like the cases are to be decided alike and are similarly placed entitled to get equal applicants/petitioners treatments from the Court without any discrimination.

(iv) In a case between **Manjulata Behera Vs. State of Odisha & Others decided on 20.03.2026 in WP(C) No.37539 of 2025** that, like cases are to be decided alike and similarly placed applicant/petitioner is entitled to get equal treatment from the Court without any discrimination.

6. So, applying the principles of law enunciated in the ratio of the aforesaid decisions to this matter at hand, it is held that, the petitioner in this writ petition being equal with the petitioner in the disposed of RVWPET No.31 of 2025, he (petitioner) is entitled to get equal treatment/judgment like the petitioner in RVWPET No.31 of 2025 and there cannot be



any discrimination between them. Because, as per law, the persons, those are similarly situated/placed should be treated similarly.

7. Therefore, there is no other alternative for this Court, but, to dispose of this writ petition passing similar judgment in the line of the judgment dated 17.10.2025 passed in RVWPET No.31 of 2025.

8. Hence, this writ petition filed by the petitioner is allowed.

The disengagement of the petitioner as per Order No.30 dated 02.01.2019(Annexure-5) issued by the Collector-cum-Chief Executive Officer, Zilla Parishad, Ganjam (Opposite Party No.2) is quashed being vitiated for breach of audi alteram partem and non-application of mind to the advertisement/cohort distinction with the other similar conditions indicated in para no.24 of the judgment dated 17.10.2025 passed in the earlier RVWPET No.31 of 2025 by this Court.

9. As such, this writ petition filed by the petitioner is disposed of finally.



Interim order, if any, passed earlier in any of the petitions stands vacated.

(ANANDA CHANDRA BEHERA)
JUDGE

High Court of Orissa, Cuttack
The 06 .05. 2026// Rati Ranjan Nayak/Jagabandhu
Sr. Stenographer