



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.11123 of 2024

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

Gitanjali Routray

Petitioner

*Represented By Adv.
Mr. Kunal Kumar Swain*

-versus-

State of Odisha and others

Opposite Parties

*Represented By Adv.
Mr. S. K. Parhi, A.S.C.*

CORAM:

THE HON'BLE MR. JUSTICE A.K.MOHAPATRA

Date of hearing : 24.03.2026 | Date of Judgment : 24.03.2026

A.K. Mohapatra, J. :

1. By filing the present writ petition the Petitioner has sought for the following relief;

*“Under the above circumstances, it is humbly prayed that
the writ petition may be allowed;*

And



(A) a writ of mandamus or an appropriate writ may be issued quashing the impugned order dated 29.02.2024 passed by the Collector, Jajpur under Annexure:5 and necessary direction may be made to the opposite parties to treat the petitioner as Sikshya Sahayak on notional basis from 2006/2007 and her services may be regularized from 2012/2013 instead of 24.07.2021 and similar benefit may be granted to the petitioner like that of other Sikshya Sahayaks whose services were regularized by virtue of order dated 09.04.2013 under Annexure:3 with all consequential service and financial benefits, within a time to be stipulated by this Hon'ble Court;

(B) And any other order orders or direction / directions may be issued so as to give complete relief to the petitioner;”

2. Heard Mr. K.K. Swain, learned counsel for the Petitioner as well as Mr. S.K. Parhi, learned Additional Standing Counsel for the State. Perused the pleadings of the respective parties as well as the documents annexed thereto.
3. The factual background of the present case in short is that an advertisement was floated on 14.10.2006 to fill up the vacant posts of Sikshya Sahayaks in different districts of the State of Odisha including the district of Jajpur. The Petitioner, along with many other eligible



candidates, submitted their candidature to be considered for appointment to the post of Sikshya Sahayaks in the year 2006. The pleadings in the writ petition further reveals that the final select list was prepared on 16.12.2006. It appears that the candidature of the Petitioner was rejected on the ground that she had passed the Junior Educator Course. Although the same is claimed to be equivalent to the C.T. Course, however, the same was not considered by the recruiting authorities. Thereafter, the Petitioner approached this Court by filing W.P.(C) No.14415 of 2006, which was disposed of on 27.08.2008, directing the Petitioner to submit a representation before the Collector-cum-Chief Executive Officer, Zilla Parishad, Jajpur for consideration of her candidature to be appointed as Sikshya Sahayak. Such representation of the Petitioner was rejected by the Collector on the ground that the Petitioner is having the certificate of Junior Educator Course for which she was found not eligible for the post of Sikshya Sahayak.

4. Being aggrieved by the rejection of her representation by the Collector, Jajpur, the Petitioner once again approached this Court by filing W.P.(C) No.18985 of 2008. Again a Coordinate Bench of this Court vide order dated 16.08.2013 disposed of the writ petition holding that the Petitioner is eligible to be considered for appointment as Sikshya Sahayak and that the certificate acquired by the Petitioner is equivalent to



C.T. Course, and accordingly, the Opposite Party No.5 in that writ petition was directed to consider the case of the Petitioner and to accept the application of the Petitioner and to further process her application pursuant to the advertisement dated 14.10.2006. The learned coordinate bench further directed that in the event it is found that the last candidate in unreserved women category, who has been appointed against a Matric C.T. post, has obtained less marks than the Petitioner, the Opposite Party No.5 shall give appointment to the Petitioner as Sikshya Sahayak, if there are no other legal impediments. The order dated 16.08.2013 has been quoted in the body of the writ petition.

5. After disposal of the second writ petition the Petitioner once again approached the Opposite Parties to consider his candidature for appointment to the post of Sikshya Sahayak. It is apt to mention here that the order dated 16.08.2013 was modified by a substitution order dated 29.08.2013 and certain typographical errors were corrected. Since the order passed in the second writ petition filed by the Petitioner was not being implemented by the Opposite Parties, the Petitioner was compelled to approach this Court by filing CONTC No.39 of 2014 which was disposed of vide order dated 24.07.2015 with a direction to the Opposite Parties-Contemnors to comply with the order passed by this Court. The order passed in the second writ petition was assailed by the State-



Opposite Parties by filing a writ appeal bearing W.A. No.402 of 2015. Such writ appeal was dismissed vide order dated 22.09.2022, thereby affirming the order passed by the coordinate bench in the second writ petition.

6. While the matter stood thus, the Petitioner was given appointment pursuant to the order dated 21.07.2015, and accordingly, the Petitioner joined in service on 24.07.2015 as Sikshya Sahayak under the BEO, Barchana Block and since then the Petitioner was working as a regular Primary School Teacher in Level-V-A of the Elementary Cadre. While working as such, the service of the Petitioner was regularised w.e.f. 24.07.2021, i.e. on completion of six years' service starting from the date of her initial date of joining.

7. The grievance of the Petitioner in the present writ petition is that the Petitioner claimed regularization on completion of six years' of service from the date her immediate juniors were given appointment and not from the date which the Petitioner had joined in duty pursuant to the order passed by this Court. Being aggrieved by such decision of the Opposite Parties, the Petitioner had earlier approached this Court by filing a third writ petition which was registered as W.P.(C) No.813 of 2023. A Coordinate Bench of this Court vide order dated 20.01.2023 disposed of the said writ petition by directing the Petitioner to file a



representation before the Opposite Party No.3, who was then directed to consider the same in accordance with law within a period of three months.

8. After disposal of the third writ petition the Petitioner again approached the Opposite Parties to antedate the date of her regularization in service by filing a representation. Since the order passed in the third writ petition was not carried out, the Petitioner was compelled to again approach this Court by filing CONTC No.7270 of 2023 which was also disposed of by order 09.10.2023. Since the order was not complied, the Petitioner again filed another contempt application bearing CONTC No.10345 of 2023. During pendency of the second contempt petition the Collector, Jajpur passed the impugned rejection order dated 29.02.2024 at Annexure-5 to the present writ petition. At present, being aggrieved by the rejection of her representation vide order dated 29.02.2024 at Annexure-5, the Petitioner has approached this Court by filing the present writ petition.

9. Mr. Swain, learned counsel for the Petitioner at the outset contended that the Petitioner submitted her candidature pursuant to an advertisement dated 14.10.2006 at Annexure-1 to the writ petition which was floated for recruitment to the post of Sikshya Sahayak. He further submitted that although the Petitioner was eligible, however, due to a



mistake committed by the Opposite Parties in verifying the certificate of the Petitioner, the name of the Petitioner was included in the select list. As a result, the Petitioner was made to suffer a lot and she was dragged to this Court on several occasions despite no fault of her own. He further submitted that it is pursuant to the order passed by this Court in the third round of litigation before this Court, which was a writ petition filed by the Petitioner, the Opposite Parties appointed the Petitioner pursuant to an appointment order dated 21.07.2015, and accordingly, the Petitioner joined in duty on 24.07.2015 under the BEO, Barchana Block. Thereafter, as per the provision contained in the Scheme of service of the Petitioner, her service should have been regularised on completion of six years' of service. Accordingly, the Opposite Parties regularized the service of the Petitioner by taking into consideration the date of her joining w.e.f. 24.07.2015 and her service was regularized w.e.f. 24.07.2021 under Annexure-2 to the present writ petition. He further contended that such regularization of the Petitioner's service w.e.f. 24.07.2021 is absolutely illegal, arbitral and discriminatory.

10. Learned counsel for the Petitioner further submitted that the issue involved in the present writ petition was directly and substantially issued in the matter of ***Sri Basanta Kumar Sahoo v. State of Odisha and others*** in ***W.P.(C) No.19639 of 2020***. A coordinate bench of this Court while



answering the issue directly involved in the present writ petition vide judgment dated 08.09.2025, has come to a conclusion that the initial service of the Petitioner is to be counted from the date when her juniors were given such appointment, and accordingly, on completion of six years' of service from such date the service of the Petitioner shall be regularised. However, the learned Coordinate Bench further directed that such benefit of regularisation of service shall be without any monetary benefit or any claim of inter-se seniority. He further contended that the Petitioner is not at fault as the candidature of the Petitioner was rejected due to a wrong assertion of Opposite Parties with regard to the certificate of the Petitioner. Therefore, learned counsel for the Petitioner put the entire blame on the State-Opposite Parties, and as such, it was argued that the Petitioner should have been regularised w.e.f the date on which the persons, who have secured less mark than the Petitioner, have been regularised in service as has been decided in the order passed in the second writ petition filed by the present Petitioner and keeping in view the order of regularisation dated 09.04.2013 at Annexure-3. He further submitted that any deviation from the aforesaid principle would cause serious prejudice to the present Petitioner.

11. Learned counsel for the State on the other hand, referring to the counter affidavit, contended before this Court that the Opposite Parties



have not committed any illegality in rejecting the prayer of the Petitioner by virtue of the impugned order dated 29.02.2024 at Annexure-5. In course of his argument, learned counsel for the State contended that since the Petitioner joined in service on 24.07.2015, the initial date of joining of the Petitioner has been accepted to be 24.07.2015, and accordingly, on completion of six years her service has been regularised w.e.f. 24.07.2021. He further contended that since the Petitioner has not worked prior to 24.07.2015, the claim of any service benefits including financial benefits would be unsustainable in law. In the aforesaid context, learned counsel for the Petitioner referred to Rule 56 of the Odisha Service Code. He also referred to the counter affidavit where it has been specifically stated by the Opposite Parties that by following Rule 56 of the Odisha Service Code the prayer of the Petitioner has been rejected and she has not been extended with the service benefits for the period which she has not rendered any service to the Government. On such ground, learned counsel for the State submitted that the present writ petition is devoid of merit, and accordingly, the same should be dismissed.

- 12.** Having regard to the submissions made by the learned counsels appearing for both sides, on a careful examination of the background facts as well as the documents annexed to the present writ petition, this Court found that in the present writ petition the sole question that falls for



adjudication is with regard to the date of regularisation of the service of the Petitioner. It is not disputed that as per the scheme on completion of six years' of service, the service of the Petitioner is to be regularised. The only dispute is with regard to the date from which the aforesaid period of six years is to be counted. So far as the Petitioner is concerned, her claim is that although she had submitted her candidature pursuant to the advertisement in the year 2006 at Annexure-1, however, it is because of the negligence and error committed by the Opposite Parties that the Petitioner has suffered and was given appointment only in the year 2015, that too after the intervention of this Court in three previous writ petitions. Learned counsel for the State on the other hand contended that in terms of Rule 56 of Odisha Service Code the claim of the Petitioner for service benefits including seniority and other financial benefits are not admissible as the Petitioner joined in duty only on 24.07.2015 and that she had not rendered any service prior to that date.

13. In the aforesaid context, this Court referred to the judgment of the coordinate bench in ***Basanta Kumar Sahoo's*** case (*supra*). On perusal of the said judgment, it appears that the above noted case involves an identical factual scenario. In fact, the advertisement in both the writ petition is common, i.e. advertisement dated 14.10.2006 at Annexure-1 to the present writ petition. In the case of ***Basanta Kumar Sahoo*** (*supra*)



though his name appeared in the select list, however, because of the laches on the part of the Opposite Parties he was not given appointment till August, 2018 and the learned coordinate bench after a detailed discussion of the factual aspect has come to hold that the conduct of the Opposite Parties in regularising the service of the Petitioner in that case from the later date is illegal. Accordingly, following the judgment of the Hon'ble Supreme Court in the case of ***Union of India and others v. Miss Pritilata Nanda*** reported in ***(2010) 11 SCC 674***, appropriate directions were issued in Para 4.4 of the ***Basanta Kumar Sahoo's*** case (*supra*).

14. On a careful analysis of the factual background of the present case, and on due consideration of submissions made by the learned counsels appearing for both sides, this Court is of the considered view that the case of the Petitioner is squarely covered by the decision of the coordinate bench in ***Basanta Kumar Sahoo's*** case (*supra*). In such view of the matter, this Court has no hesitation in setting aside the impugned rejection order dated 29.02.2024 at Annexure-5. The same is hereby quashed. The present writ petition stands allowed to the extent that the Opposite Party No.5 shall grant the notional service benefits to the Petitioner sans any monetary or seniority benefit so that she shall be deemed to have been regularised in service w.e.f. from 2012, i.e. the date from which the persons securing less marks than the Petitioner have been



regularised. It is further clarified that the Petitioner shall not be entitled to claim any arrear pay or seniority for the period during which she has not worked.

15. Accordingly, the Writ Petition is allowed. However, there shall be no order as to costs.

(Aditya Kumar Mohapatra)

Judge

Orissa High Court, Cuttack

The 24th March, 2026/ S.K. Rout, Jr. Stenographer