



IN THE HIGH COURT OF ORISSA AT CUTTACK
WP(C) No.20136 of 2026

Premraj Bariha

.....

Petitioner

Represented by Adv. -
Manoj Kumar Mohanty

-versus-

State Of Odisha and others

.....

Opposite Parties

Smt. S. Nayak, ASC

CORAM:

**THE HON'BLE MR. JUSTICE ADITYA KUMAR
MOHAPATRA**

ORDER

21.07.2026

Order No.

- 02.
1. This matter is taken up through Hybrid mode.
 2. Heard learned counsel for the Petitioner as well as learned Additional Standing Counsel for the State-Opposite Parties. Perused the writ application as well as the prayer made therein.
 3. The Petitioner has filed the present writ application with the following prayer:

“The petitioner most respectfully prays that the Hon'ble Court may be graciously pleased to allow the writ petition, issue a writ or direction in the nature of certiorari or any other appropriate writ or direction quashing Order No.853 dated 04.04.2006 of the opposite party no.3 under Annexure-7 and further issue a writ or direction in the nature of mandamus or any other appropriate writ or direction to the opposite parties to reinstate the petitioner in service and give him all the consequential service and financial benefits accrued out of the same and pass such other or further order or orders as are deemed just and proper.”



4. Learned counsel for the Petitioner, in course of the hearing in the application, drew the attention of this Court to the order passed by the Co-ordinate Bench in RVWPET No.31/2025, wherein the Coordinate Bench vide order dated 17.10.2025 directed as follows:-

“24. This Court is, thus, satisfied that the Common judgment dated 22.12.2023, qua the present Petitioner, suffers from an error apparent on the face of the record in that it (i) proceeded on an unstated but crucial assumption about the cohort/post to which the Petitioner belonged, without adjudicating the rival case borne out by materials; and (ii) consequently applied the no-prejudicial/ritual hearing doctrine to a case where prejudice is self-evident because a determination on facts could well alter the outcome. In the result, the Review Petition is allowed on the following terms:

(i) The common judgment dated 22.12.2023 is recalled and set aside qua the present Petitioner alone. Paragraphs and observations therein inconsistent with this judgment shall not operate against her.

(ii) Given the completeness of the pleadings and the circumscribed controversy, this Court proceeds to dispose of the Writ Petition on merits forthwith, rather than remand, to avoid further delay.

(iii) This disengagement order No.1051 dated 26.03.2018 is quashed, being vitiated for breach of audi alteram partem and for non-application of mind to the advertisement/cohort distinction.

(iv) The matter is remitted to the Collector-cum-CEO, Zilla Parishad, Mayurbhanj for a de novo decision, within eight weeks, on the following specific issues:

(a) Whether the Petitioner's engagement vide Order No.209 dated 10.02.2004 was against one of the 16 SC Women



posts notified under the 25.03.2003 advertisement;

(b) Whether those 16 posts were merged into the 15,682 post-26.09.2003 cohort or stood substantively filled in the first cycle owing to the non-availability of trained SCWomen;

(c) The effect, if any, of the second advertisement (Rairangpur 587 posts; 21 SC-Women) and the inservice reservation note on the Petitioner's provisional placement at Serial No.19, including production and consideration of the final select lists, appointment orders, and the policy basis for inservice earmarking;

(d) Consequential application or inapplicability of W.P.(C) No.11748 of 2003 to the Petitioner's engagement.

(v) The Authority shall afford the Petitioner a personal hearing, permit filing of additional documents (including RTI responses, lists, orders), pass a speaking order, and communicate the decision forthwith. Pending the fresh decision, the Petitioner shall be reinstated to engagement within four (4) weeks from receipt of this judgment and continued subject to outcome..."

5. As seen from the aforesaid order passed by the Coordinate Bench; it referred to another order of the Co-ordinate Bench passed in W.P.(C) No.11748 of 2023; it is no more *res integra* that similar matters are to be dealt similarly. The order passed by the Co-ordinate Benches in RVWPET No.31/2025 and the order passed on 26.02.2026 in W.P.(C) No.37539 of 2025 are to be referred to while dealing with the present case which is substantially similar to one as has been disposed of therein.

6. The Opposite Party No.3, is therefore, directed to consider the case of the Petitioner for reinstatement in the light of the order passed in the aforesaid W.P.(C) No.37539 of 2025 as followed in the



matter of RVWPET No.31/2025. While considering the case of the Petitioner, the Opposite Party No.3 shall also verify whether the case of the Petitioner is identical to the one involved in the cases referred to hereinabove.

7. As a necessary corollary the disengagement order dated 26.03.2018 stands quashed. The Opposite Party No.3 shall consider the case of the Petitioner in view of the afore-stated order passed by the Coordinate Bench both in W.P.(C) No.37539 of 2025 and RVWPET No.31/2025 and complete the entire exercise within a period of six weeks.

8. The learned counsel for the Petitioner volunteers to submit a fresh representation before the Opposite Party No.3 within a period of fifteen days from the date of this order individually.

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

Issue urgent certified copy of this order as per Rules.

(Aditya Kumar Mohapatra)
Judge