



IN THE HIGH COURT OF ORISSA AT CUTTACK

WP(C) No.30087 of 2021

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

* * *

Narahari Rout

.....

Petitioner

-VERSUS-

State of Odisha & Others

.....

Opposite Parties

Counsel appeared for the parties:

For the Petitioner : Mr.D.K.Ray, Adv.

For the Opposite Parties : Mr.Gyanalok Mohanty, S.C.

P R E S E N T:

**HONOURABLE
MR. JUSTICE ANANDA CHANDRA BEHERA**

Date of Hearing: 30.04.2026 :: Date of Judgment : 30.04.2026



A.C. Behera, J. 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 dated 08.09.2021 passed by the OSEPA (Opp. Party No.2) and directing the Opposite Parties to consider the case of the Petitioner to engage him as Sikhya Sahayak under the backlog vacancies in view of the direction passed in **W.A. No.701 of 2019** between **Babita Satpathy and others Vrs. State of Odisha and others** within a stipulated time and to pass such order/orders and direction/directions as the Court may deem fit and proper.

2. The factual backgrounds of this writ petition, which prompted the Petitioner for filing of the same is that, the Petitioner is trained graduate and he has passed OTET examination and as such, he (Petitioner) has possessed required academic and training qualification to be engaged as Sikhya Sahayak as per the guidelines of the Government in consonance with provisions of Right of Children to Free and Compulsory Education Act, 2009.



As such, he (Petitioner) has possessed the required qualification as prescribed by the National Council for Teacher Education (NCT) to get appointment as teacher for imparting education to the students of Class-I to Class-VIII.

As per the resolution of the Government, the Government of Odisha School and Mass Education Department made an advertisement on dated 26.12.2016 inviting the applications from the applicants to apply for Sikhya Sahayak against the notified huge vacancies. As, the Petitioner had possessed required qualification, he submitted his application for the same.

But, his application was rejected on the ground of his over age discriminating him (Petitioner) debarring him from getting appointment as Sikhya Sahayak in spite of huge numbers of backlog vacancies.

It appears from the record that, the petitioner had approached this Court in WPC No.19224 of 2021 which was disposed of on dated 05.07.2021 with a direction to the Opp. Party No.2 i.e. OSEPA to consider the representation of the petitioner and to pass a reasoned and speaking order as



expeditiously as possible preferably within a period of 3 months from the date of receipt of the order. After hearing from the parties, the Opp. Party No.2 on dated 08.09.2021 rejected the representation of the petitioner which has been sought to be quashed along with the direction as stated above.

When, several numbers of over age OTET passed graduates like the Petitioner were allowed to be considered to get appointments as Sikhya Sahayaks against the vacancies in view of the judgment dated 23.12.2020 passed in **W.A. No.701 of 2019** between **Babita Satpathy and others Vrs. State of Odisha and others** along with two other writ appeals with the same, then, the Petitioner approached this Court by filing this writ petition praying for directing the O.Ps to consider his case at par with the applicants/Petitioners in the above disposed of W.A. No.701 of 2019 along with two other writ appeals with the same.

3. I have already heard from the learned counsel for the Petitioners and the learned Standing Counsel for the State.

4. *During the course of hearing of this writ petition, the learned counsel for the Petitioners submitted the judgment dated 23.12.2020 passed in writ appeal vide*



W.A. No.701 of 2019 between **Babita Satpathy and others Vrs. State of Odisha and others**, judgment dated 19.12.2025 passed in batch of writ petitions in **W.P.(C) No.32208 of 2023** between **Dhaneswar Das and others Vrs. State of Odisha and others**, the judgment dated 20.01.2026 passed in **W.P.(C) No.4966 of 2025** between **Ratnakar Nayak Vrs. State of Odisha and others**, the judgment dated 19.02.2026 passed in batch of writ petitions in **W.P.(C) No.8167 of 2025** between the **Santosh Kumar Panigrahi and others Vrs. State of Odisha and others** and the judgment dated 20.02.2026 passed in **W.P.(C) No.33379 of 2022** between the **Tanmaya Kumar Patra and others Vrs. State of Odisha and others** contending for disposing of this writ petition passing similar judgment like the judgments passed in the above disposed of writ appeals and writ petitions, as the Petitioner is similarly placed with the Petitioners in the above disposed of writ appeals and writ petitions.

5. It appears from the judgments of the above disposed of writ appeals and writ petitions that, the Petitioner of this writ petition is similarly placed with the Petitioners of the above disposed of writ petitions. Because, the applications of the Petitioners of the above disposed of writ petitions for Sikhya Sahayaks were rejected by the O.Ps on the ground of their over age like the Petitioner in this present writ petition and taking



their grievances into account, the judgments in the above writ appeals and writ petitions were passed directing the Opposite Parties for the engagement of the Petitioners thereof as Sikhya Sahayaks or in any other equivalent posts against the unfilled vacancies.

6. When, the Petitioner in this writ petition is similarly placed with the Petitioners in the aforesaid disposed of writ appeals and writ petitions, then, as per law, the judgment in this writ petition is required to be passed alike with the judgments of the aforesaid disposed of writ appeals and writ petitions.

Because, it is the settled propositions of law that, like cases are to be decided alike and similarly placed applicants/Petitioners are entitled to get equal treatment from the Court without any discrimination.

7. 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 Vrs. State of Odisha & Others*** reported in ***2019 (2) 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 equality of treatment under equal circumstances, which means “that equals should not be treated unlike and unlikes should not be treated alike, likes should be treated as alike”.

(ii) In a case between ***Dkshin Haryana Bijli Vitran Nigam and others Vrs. Bachan Singh*** reported in ***AIR 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.

8. So, by applying the principles of law enunciated in the ratio of the aforesaid decisions, it is held that, the Petitioner in this writ petition being equal to the Petitioners with the above disposed of writ appeals and writ petitions, he (Petitioner) is entitled to get equal treatment/judgment like them and the Court cannot discriminate between similarly situated persons, because, as per law, all persons similarly situated should be treated similarly.

Therefore, there is no other alternative for this Court, but, to dispose of this writ petition passing similar judgments, those were passed in the aforesaid earlier writ appeals and writ



petitions, as the Petitioner in this writ petition is similarly situated like the Petitioners in the aforesaid disposed of writ appeals and writ petitions.

9. As per the discussions and observations made above, when the petitioner is entitled to get equal treatment like the petitioners of the aforesaid disposed of writ petitions or Writ Appel vide W.A. No.701 of 2019, W.P.(C) No.32208 of 2023, W.P.(C) No.4966 of 2025, W.P.(C) No.8167 of 2025 and W.P.(C) No.33379 of 2022, then, at this juncture, the impugned order dated 08.09.2021 passed by the OSEPA (OPP. Party No.2) rejecting the representation of the petitioner is liable to be quashed.

10. So, for the reasons assigned above, this writ petition filed by the Petitioner is to be disposed of in the same lines of W.A. No.701 of 2019, W.P.(C) No.32208 of 2023, W.P.(C) No.4966 of 2025, W.P.(C) No.8167 of 2025 and W.P.(C) No.33379 of 2022 respectively.

11. Therefore, this writ petition filed by the Petitioner is allowed. The impugned order dated 08.09.2021 (Annexire-6) passed by the OSEPA (OPP. Party No.2) is quashed.



Liberty is given to the Petitioner in this writ petition to submit his representation annexing relevant documents relating to his qualification before the O.P. No.1 for his engagement as Sikhya Sahayak or any other equivalent posts with the certified copy of this judgment for consideration and disposal of his representation similarly to the Applicants/Petitioners in in W.A. No.701 of 2019, W.P.(C) No.32208 of 2023, W.P.(C) No.4966 of 2025, W.P.(C) No.8167 of 2025 and W.P.(C) No.33379 of 2022 respectively.

12. As such, this writ petition filed by the Petitioner is disposed of finally.

(A.C. Behera),
Judge

Orissa High Court, Cuttack
30th of April, 2026/Binayak/Rati
Junior Steno/Senior Stenographer