



IN THE HIGH COURT OF ORISSA AT CUTTACK

WP(C) No.34313 of 2025

Rajendra Kumar Patra

.....

Petitioner

Represented by Adv. -
Manas Kumar Swain

-versus-

State of Odisha & Ors.

.....

Opposite Parties

Represented by Adv. –
Sasmita Nayak, A.S.C.

CORAM:

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

ORDER

19.03.2026

Order No.

02.

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. By filing the present writ application, the Petitioner has sought for the following relief:-

“In view of the facts and circumstances stated hereinabove, it is most humbly prayed that this Hon’ble Court may graciously be pleased to quash the impugned order dated 22.05.2024 passed by Opposite Party No.1 (Annexure-7), and to declare that the petitioner is entitled to be extended notional service benefits with effect from the date on which other candidates selected pursuant to the advertisement dated 12.09.2014 were engaged, together with all consequential service benefits, including



seniority and career advancement benefits, strictly in terms of the judgment dated 30.07.2024 passed in W.P.(C) No.10125 of 2021 (Annexure-8) and further seeking a direction to the Opposite Parties to grant the petitioner notional fixation of pay, seniority, and other admissible service benefits from the date similarly situated candidates were appointed, without monetary arrears for the past period, but with actual benefits thereafter and to revise the petitioner's position in the cadre and extend all consequential promotional benefits as would have been available had he been engaged along with his batch mates pursuant to the 2014 advertisement;

And/or to Pass such other order(s) or direction(s) as may be deemed fit and proper in the interest of justice.”

4. Learned counsel for the Petitioner at the outset contended that pursuant to Resolution dated 11.09.2014, an advertisement was published by the Opposite Party No.1 inviting an application for filling up the vacant post of Sikhya Sahayaks on 12.09.2014. Pursuant to such advertisement, the Petitioner participated in the selection process. Though the Petitioner was selected, however, the Petitioner was not given any appointment. Being aggrieved by such conduct of the Opposite Parties, earlier the Petitioner approached this Court by filing a writ application W.P.(C) No.15997 of 2023 which was disposed of by a Coordinate Bench of this Court vide order dated 19.05.2023 directing the Opposite Party No.1 to take a decision on the representation of the Petitioner within a stipulated period of time.

5. Learned counsel for the Petitioner at this juncture contended that after disposal of the previous writ application, the Petitioner approached the Opposite Party No.1 by filing a representation along with a copy of order dated 19.05.2023. The Opposite Party



No.1 vide order dated 22.05.2024 rejected the prayer of the Petitioner on the ground that since the Petitioner was not engaged and he has not discharged his duties, he is not entitled to any pay and allowance as provided in Rule-56 of Orissa Service Code. The rejection order clearly mentions that the Petitioner has joined as a Junior Teacher (Contractual) on 03.01.2022 vide order dated 30.12.2021 of Collector-cum-CEO, Zilla Parishad, Dhenkanal and, as such, he is entitled to the service benefits with effect from 03.01.2022. Being aggrieved by such order dated 22.05.2024 of the Opposite Party No.1, at Annexure-7, the Petitioner has approached this Court by filing the present writ application.

6. In course of his hearing, learned counsel for the Petitioner referred to the judgment of a Coordinate Bench of this Court in ***Sailendra Narayan Panda & Another v. State of Odisha & Others*** decided in W.P.(C) No.10125 of 2021 vide judgment dated 30.07.2024. Referring to the aforesaid judgment, learned counsel for the Petitioner contended that an identical issue was under consideration by the learned Coordinate Bench of this Court. He further contended that after detailed analysis of the factual background of the case and further taking note of several judgments of this Court, the learned Coordinate Bench has disposed of the writ application by directing the Collector-cum-Chief Education Officer, Zilla Parishad, Bhadrak and District Education Officer, Bhadrak-II to issue necessary orders to modify orders of engagement issued in favour of the Petitioners in the said writ petition by treating their date of engagement as 02.01.2008 and, by specifically designating them as 'Sikshya Sahayaks' as envisaged in the advertisement dated 14.10.2006. The learned Coordinate



Bench further clarified that the Petitioners shall not be entitled to any financial benefits for the period during which they had not rendered any work to the establishment but they shall be entitled to all other service benefits including career advancement benefits, notionally, in accordance with law. In view of the aforesaid judgment, learned counsel for the Petitioner contended that the rejection order dated 22.05.2024 passed by the Opposite Party No.1 at Annexure-7 is unsustainable in law.

7. Learned counsel for the State on the other hand contended that after disposal of the previous writ application of the Petitioner, the Petitioner approached the Opposite Party No.1 by filing a detailed representation along with a copy of the order. She further submitted that the Opposite Party No.1 by virtue of a reasoned order dated 22.05.2024 at Annexure-7 considered the case of the Petitioner and the prayer of the Petitioner has been rejected on the ground that the same is contrary to Rule-56 of the Orissa Service Code. He further specifically argued that since the Petitioner was appointed only with effect from 03.01.2022 he is not entitled to any financial benefits prior to his date of initial joining for the period for which he has not rendered any service to the government. On such ground, learned counsel for the State contended that the prayer of the Petitioner for availing benefits for the period for which he has admittedly not worked is absolute illegal and the same is unsustainable in law. On such ground, learned counsel for the State contended that the present writ application being devoid of merit, is liable to be dismissed.

8. Having regard to the submissions made by learned counsels appearing for the respective parties, on a careful examination of the



background facts, further on a close scrutiny of the impugned order dated 22.05.2024 at Annexure-7, this Court found that the prayer of the Petitioner has been rejected by referring to Rule-56 of the Orissa Service Code. Admittedly, the Petitioner joined in duty on 03.01.2022 under the Collector-cum-CEO, Zilla Parishad, Dhenkanal. While considering the case of the Petitioner, the Opposite Party No.1 has not taken into consideration the delay that accrued between the selection of the Petitioner and his eventual engagement. Further, it appears that similarly situated persons, who had appeared along with the Petitioner, were engaged prior to the Petitioner although they appeared in very same recruitment test. Such disparity in the date of engagement would definitely cause discrimination and prejudice to the Petitioner. In the aforesaid context, this Court referred to the judgment of the Coordinate Bench in **Sailendra Narayan Panda**'s case (*supra*). It appears that a similar issue was under the consideration in the aforesaid case. The learned Coordinate Bench after a detailed analysis of the factual background of that case, has rendered a judgment on an identical situation.

9. In view of the aforesaid analysis of the factual as well as legal position, this Court is of the view that the case of the Petitioner requires re-consideration by the Opposite Party No.1. Accordingly, this Court is of the considered view that the impugned rejection order dated 22.05.2024 at Annexure-7 is unsustainable in law. Accordingly, the same is hereby set aside. Further, the matter is remanded back to the Opposite Party No.1 to consider the case of the Petitioner afresh in terms of the judgment dated 30.07.2024 passed in W.P.(C) No.10125 of 2021. Let the Petitioner approach



the Opposite Party No.1 within three weeks from today along with a copy of today's order. In such eventuality, the Opposite Party No.1 shall consider the case of the Petitioner keeping in view the judgment in *Sailendra Narayan Panda*'s case (*supra*) and dispose of the same within a period of eight weeks by passing a speaking and reasoned order. The final decision so taken be communicated to the Petitioner within ten days thereafter.

10. With the aforesaid observations/ directions, the writ application stands disposed of.

Issue urgent certified copy of this order as per Rules.

(*A.K. Mohapatra*)
Judge

Anil

Signature Not Verified

Digitally Signed
Signed by: ANIL KUMAR SAHOO
Designation: Junior Stenographer
Reason: Authentication
Location: High Court of Orissa
Date: 20-Mar-2026 13:57:18

