



IN THE HIGH COURT OF ORISSA AT CUTTACK

RVWPET No.37 of 2026

Bikash Chandra Patra

..... *Petitioner(s)*

Mr. M.K. Mohanty, Adv.

-Versus-

State of Odisha & Ors.

..... *Opposite Party(s)*

Ms. Gayatri Patra, ASC

CORAM:

DR. JUSTICE SANJEEB K PANIGRAHI

ORDER

23.02.2026

Order No.

01. I.A. No.65 of 2026

1. This matter is taken up through hybrid arrangement.
2. This is an application for dispensing with the filing of the certified copy of the impugned judgment.
3. After hearing learned counsel for the respective parties and taking into account the averments made in I.A., filing of certified copy of the impugned judgment under Annexure-3 is dispensed with for the time being.
4. In view of above, the I.A. stands disposed of.

I.A. No.81 of 2026

5. This is an application under Section 5 of the Limitation Act for condonation of delay in filing the RVWPET.



6. Heard.
7. After considering the submissions made by the learned counsel for the respective parties and taking into account the averments taken in the I.A., the delay in preferring the review petition is condoned.
8. Accordingly, the I.A. stands disposed of.

RVWPET No.37 of 2026

9. In this RVWPET, the Petitioner seeks review of the judgment dated 22.12.2023 passed by this Court in W.P.(C) No.6287 of 2018 dismissing his prayer, wherein the Petitioner had challenged the order dated 26.03.2018 of the Collector-cum-Chief Executive Officer, Zilla Parishad, Mayurbhanj disengaging him from the post of Swechhasevi Shikshya Sahayak on the ground that he was engaged after 26.09.2003.
10. Learned counsel for the Petitioner submits that this Court has earlier decided the similar issue in the judgment dated 17.10.2025 passed in RVWPET No.31 of 2025 (*Banita Behera vrs. State of Odisha and Ors.*). Hence, he submits that this RVWPET may be disposed of in the light of the judgment passed in the case of *Banita Behera* (supra).
11. Learned counsel for the State submits that she has no objection, if this matter is disposed of in the light of the judgment passed in the case of *Banita Behera* (supra).



12. On perusal of the records and the judgment passed in the case of **Banita Behera** (supra), it appears that similar issue has already been decided by this Court in the said judgment which was disposed of on 17.10.2025. The ordering portion of the said judgment is 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-prejudice/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. The 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 SC-Women;
 - (c) The effect, if any, of the second advertisement (Rairangpur 587 posts; 21 SC-Women) and the in-service 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 in-service 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.*

25. Accordingly, the RVWPET and W.P.(C) No.6283 of 2018 are disposed of."

13. Considering the submissions made by the learned counsel for the parties and taking into account the judgment dated 17.10.2025 passed in RVWPET No.31 of 2025, this Court is inclined to accede to the submissions of the learned counsel for the Petitioner. Accordingly, 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-prejudice/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 him.

- ii. The 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.
- iii. The matter is remitted back 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 SC- women;
 - (c) The effect, if any, of the second advertisement (Rairangpur 587 posts; 21 SC-Women) and the in-service reservation note on the Petitioner's provisional placement at Serial No.04, including production and consideration of the final select lists, appointment orders, and the policy basis for in-service earmarking;



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

iv. 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 the order and continued subject to outcome.

14. Accordingly, the RVWPET and W.P.(C) No.6287 of 2018 stand disposed of.

(*Dr. Sanjeeb K Panigrahi*)
Judge