



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.37539 of 2025

(In the matter of an application under Articles 226 and 227 of the Constitution of India)

Manjulata Behera

....

Petitioner

-versus-

***State of Odisha, represented
by the Commissioner-cum-
Secretary to the
Government, School and
Mass Education Department,
Bhubaneswar and others***

....

Opposite Parties

Appeared in this case:-

For Petitioner

:

Mr. M.K. Mohanty, Advocate

For Opposite Parties

:

Mr. G. Mohanty,
Learned Standing Counsel

CORAM:

JUSTICE A.C. BEHERA

JUDGMENT

Date of hearing : 26.02.2026 / date of judgment : 20.03.2026

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 No.1051 dated 26.03.2018(Annexure-7) passed by the Collector-cum-Chief Executive Officer, Zilla Parishad, Mayurbhanj(Opposite



Party No.3) relating to the disengagement of the petitioner from Swechhasevi Sikshya Sahayaka and to direct the Opposite Parties through issuance of a writ of mandamus for providing all the service and financial benefits accrued in favour of the petitioner and to pass such other order or orders as the Court deems just fit and proper.

2. The case of the petitioner is that, an advertisement was made by the Director, Elementary Education Orissa(Opposite Party No.2) on dated 25.03.2003 (Annexure-1) in The daily “Sambad” inviting applications for the post of Swechhasevi Sikshya Sahayaka in Government Primary Schools in different Education Districts. In that advertisement, there were 419 posts of Swechhasevi Sikshya Sahayaka for Rairangpur Education District to be filled up. The minimum qualification for the said posts was Matric Pass with C.T. and Graduation with B.Ed indicating therein clearly that, untrained Scheduled Tribe and Scheduled Caste candidates are eligible to apply for the said post of Swechhasevi Sikshya Sahayaka and the provisions of ORV Act are applicable to them.



In pursuance to the said advertisement, the petitioner being an untrained +2 Arts candidate of Scheduled Caste category applied for the same. Thereafter, the Collector-cum-Chief Executive Officer, Zilla Parishad, Mayurbhanj (Opposite Party No.3) vide his Office Letter No.713 dated 27.08.2003 wrote a letter to the Director, Elementary Education, Odisha, Bhubaneswar (Opposite Party No.2) stating that, the selection process as per advertisement dated 25.03.2003 has not been over and after selection process is over, the select list shall remain valid for one year, as per Resolution dated 03.10.2000 of the Government, for which, he may be permitted/allowed to engage the waiting candidates of the select list. On the basis of that letter dated 27.08.2003 of the Opposite Party No.3, the Government took a decision and communicated the same to all the Collectors of the State through Opposite Party No.1 as per letter dated 29.06.2003 to give engagement to the waiting candidates from the select list.

3. So, the petitioner was given appointment as Swechhasevi Sikshya Sahayaka vide Order No.209 dated 10.02.2004 (Annexure-4) against one of fifteen (15) Matric C.T./Matric Posts reserved for Scheduled Caste (Women).



4. The said circular/letter dated 26.09.2003 of the Government of Orissa was quashed by this Court as per order dated 29.04.2004(Annexure-5) passed in **W.P.(C) No.11748 of 2003 between Hrushikesh Bindhani and others vs. State of Orissa and others** and direction was given to make fresh advertisement for filling up the vacancies of 15682 posts amongst the candidates, who were eligible as on 26.09.2003.

5. In pursuant to the aforesaid direction made by this Court in Annexure-5 dated 29.04.2004, the Opposite Party No.2 made a fresh advertisement in the month of September, 2004 for filling up of 15682 posts of Swechhasevi Sikshya Sahayaka in the State of Orissa including 587 posts for Rairangpur Education District.

6. As, the petitioner was appointed on dated 10.02.2004 after 26.09.2003, she(petitioner) was asked to apply for the same again as an in-service candidate, but, the petitioner did not participate in that selection process, as she was legally and validly appointed on dated 10.02.2004 as per Annexure-4 in pursuant to the advertisement dated 25.03.2003.



While, the petitioner was continuing in her service since 10.02.2004, i.e., for last fourteen(14) years, all of a sudden, the Collector-cum-Chief Executive Officer, Zilla Parishad, Mayurbhanj(Opposite Party No.3) as per Office Order No.1051 dated 26.03.2018(Annexure-7) illegally and arbitrarily disengaged the petitioner from her service on the ground that, she (petitioner) was engaged after 26.09.2003 and she was not selected in the next selection process in pursuant to the 2nd advertisement, which was made on the basis of the order dated 29.04.2004 passed in W.P.(C) No.11748 of 2003.

To which, the petitioner challenged by filing this writ petition praying for quashing her said disengagement Order No.1051 dated 26.03.2018 (Annexure-7) issued by the Opposite Party No.3 on the ground that, she was validly selected and appointed by the Opposite Parties, for which, she(petitioner) should not have disengaged arbitrarily compelling her to appear in the next examination for her selection in the same post along with other grounds.

7. I have already heard from the learned counsel for the petitioner and the learned Standing Counsel for the State.



8. During the course of hearing of this writ petition, learned counsel for the petitioner relied upon the judgment dated 17.10.2025 passed in RVWPET No.31 of 2025 by this Court in a like nature of case of an another Swechhasevi Sikshya Sahayaka candidate of the same Rairangpur Education District like the petitioner between her(**Banita Behera vrs. State of Odisha and others**).

9. It appears from the judgment dated 17.10.2025 between **Banita Behera vrs. State of Odisha and others** in RVWPET No.31 of 2025 that, the petitioner in this writ petition is similarly placed with the petitioner of the above disposed of RVWPET No.31 of 2025.

Because, the same Annexure-7, to which, the petitioner has challenged in this writ petition, the same was also under challenge in RVWPET No.31 of 2025 and like the petitioner. The petitioner Banita Behera in RVWPET No.31 of 2025 was serving as Swechhasevi Sikshya Sahayaka on being appointed like the petitioner and she(Banita Behera) was disengaged by the Opposite Party No.3 in the same Annexure-7, but, that Annexure-7



relating to her disengagement was quashed as per judgment dated 17.10.2025 passed in RVWPET No.31 of 2025.

10. When, the petitioner in this writ petition is similarly placed with the petitioner in the aforesaid disposed of RVWPET No.31 of 2025, then, as per law, judgment in this writ petition is required to be passed alike with the aforesaid judgment dated 17.10.2025 passed by this Court in the RVWPET No.31 of 2025.

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

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 and others*** : reported in ***2019(II) 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 equity of treatment under equal circumstances, which means “that equals should not be treated unlike and unlike should not be treated alike, likes should be treated as alike.”



(ii) In a case between ***Dakshin Haryana Bijli Vitran Nigam and others vrs. Bachan Singh*** : reported in **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.

(iii) In a case between ***Anupama Mallick vrs. State of Odisha and others*** decided in ***W.P.(C) No.5813 of 2026 at Para No.6*** that, like the cases are to be decided alike and similarly placed applicants/petitioners are entitled to get equal treatments from the Court without any discrimination.

11. So, applying the principles of law enunciated in the ratio of the aforesaid decisions to this matter at hand, it is held that, the petitioner in this writ petition being equal with the petitioner in the disposed of RVWPET No.31 of 2025, she (petitioner) is entitled to get equal treatment/judgment like the petitioner in RVWPET No.31 of 2025 and there cannot be any discrimination between them, because, as per law all persons similarly situated/placed should be treated similarly.

12. Therefore, there is no other alternative for this Court, but, it is required under law to dispose of this writ petition passing similar judgment in the line of the judgment dated 17.10.2025 of the aforesaid RVWPET No.31 of 2025.



13. Therefore, this writ petition filed by the petitioner is allowed.

The disengagement Order No.105 dated 26.03.2018(Annexure-7) issued by the Collector-cum-Chief Executive Officer, Zilla Parishad, Mayurbhanj(Opposite Party No.3) to the petitioner is quashed being vitiated for breach of *audi alteram partem* and non-application of mind to the advertisement/cohort distinction with the other similar conditions indicated in para no.24 of the judgment dated 17.10.2025 passed in the earlier RVWPET No.31 of 2025 by this Court.

14. As such, this writ petition filed by the petitioner is disposed of finally.

Interim order, if any, passed earlier in any of the petitions stands vacated.

(A.C. Behera)
Judge

Orissa High Court, Cuttack
The 20th of March, 2026/ Jagabandhu, P.A.

Signature Not Verified

Digitally Signed
Signed by: JAGABANDHU BEHERA
Designation: Personal Assistant
Reason: Authentication
Location: OHC, CUTTACK
Date: 24-Mar-2026 13:01:27

