



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.12231 of 2019

Shubhasmita Panjha **Petitioner**
Ms. Madhumita Panda, Advocate & Associates

-Versus-

State of Odisha and others **Opposite Parties**
Mr. S. Panda, ASC
Mr. B. P Tripathy, Sr. Advocate
& Mr. Narayan Barik, Advocate
(O.P. No.2)

W.P.(C) No.12233 of 2019

Sangita Hota **Petitioner**
Mr. Shashanka Shekhar Patra, Advocate & Associates

-Versus-

State of Odisha and others **Opposite Parties**
Mr. S. Panda, ASC
Mr. B. P Tripathy, Sr. Advocate
& Mr. Narayan Barik, Advocate
(O.P. No.2)

W.P.(C) No.12236 of 2019

Nibedita Mishra **Petitioner**
Mr. Shashanka Shekhar Patra, Advocate & Associates

-Versus-

State of Odisha and others **Opposite Parties**
Mr. S. Panda, ASC
Mr. B. P Tripathy, Sr. Advocate
& Mr. Narayan Barik, Advocate
(O.P. No.2)



W.P.(C) No.12237 of 2019

Rashmita Devi **Petitioner**
Mr. Shashanka Shekhar Patra, Advocate & Associates

-Versus-

State of Odisha and others **Opposite Parties**
Mr. S. Panda, ASC
Mr. B. P Tripathy, Sr. Advocate
& Mr. Narayan Barik, Advocate
(O.P. No.2)

W.P.(C) No.12238 of 2019

Laxmipriya Swain **Petitioner**
Mr. Shashanka Shekhar Patra, Advocate & Associates

-Versus-

State of Odisha and others **Opposite Parties**
Mr. S. Panda, ASC
Mr. B. P Tripathy, Sr. Advocate
& Mr. Narayan Barik, Advocate
(O.P. No.2)

W.P.(C) No.12239 of 2019

Snehasudha Panda **Petitioner**
Mr. Shashanka Shekhar Patra, Advocate & Associates

-Versus-

State of Odisha and others **Opposite Parties**
Mr. S. Panda, ASC
Mr. B. P Tripathy, Sr. Advocate
& Mr. Narayan Barik, Advocate
(O.P. No.2)



W.P.(C) No.12240 of 2019

Khursheed Alam Khan **Petitioner**
Mr. Shashanka Shekhar Patra, Advocate & Associates

-Versus-

State of Odisha and others **Opposite Parties**
Mr. S. Panda, ASC
Mr. B. P Tripathy, Sr. Advocate
& Mr. Narayan Barik, Advocate
(O.P. No.2)

W.P.(C) No.12242 of 2019

Netaji Pradhan **Petitioner**
Mr. Shashanka Shekhar Patra, Advocate & Associates

-Versus-

State of Odisha and others **Opposite Parties**
Mr. S. Panda, ASC
Mr. B. P Tripathy, Sr. Advocate
& Mr. Narayan Barik, Advocate
(O.P. No.2)

W.P.(C) No.12244 of 2019

Aditya Kumar Kar **Petitioner**
Mr. Shashanka Shekhar Patra, Advocate & Associates

-Versus-

State of Odisha and others **Opposite Parties**
Mr. S. Panda, ASC
Mr. B. P Tripathy, Sr. Advocate
& Mr. Narayan Barik, Advocate
(O.P. No.2)



AND

W.P.(C) No.12245 of 2019

Priyanka Mallik **Petitioner**
Mr. Shashanka Shekhar Patra, Advocate & Associates

-Versus-

State of Odisha and others **Opposite Parties**
Mr. S. Panda, ASC
Mr. B. P Tripathy, Sr. Advocate
& Mr. Narayan Barik, Advocate
(O.P. No.2)

CORAM:
JUSTICE R.K. PATTANAİK

DATE OF HEARING:10.04.2026
DATE OF JUDGMENT:17.07.2026

1. All the writ petitions are disposed of by the following judgment for a common cause of action involved.
2. Instant writ petitions are filed by the petitioners challenging the impugned decision of opposite party No.1 by orders dated 22nd June, 2019 as at Annexure-13 in all the cases) and to direct the opposite parties and in particular, opposite party Nos.1 and 3 to allow them to continue as Data Processing Assistants (DPAs)/Vital Statistics Clerks (VSCs) in their existing posts and in that regard, to issue continuance letters on the grounds stated therein and to pass such other order(s) or issue direction(s) as may deem fit and proper in the facts and circumstances of the case.
3. The facts of each case are not separately stated for the sake of brevity. The case of the petitioners is that they joined



as the DPAs. The appointment of the petitioners was contractual with a selection held pursuant to an advertisement as per Annexure-1. In fact, opposite party No.2 issued the advertisement to fill up 32 posts of the DPAs on contractual basis for a period of one year in the offices of all the District and Additional District Registrar of Birth and Death. The petitioners faced the interview held on 15th February, 2015 and thereafter, opposite party No.2 issued the appointment letters as per Annexure-3 in their favour and asked them to join at the respective Head Quarters (HQs). The contractual appointments of the petitioners were extended from time to time. Such extension was continued till 2017. But all of a sudden, on 20th April, 2017, opposite party No.3 intimated the Chief District Medical Officers (CDMOs) of the State regarding cessation of the contractual service w.e.f. 19th May, 2017 as the Registrar General of India (RGI), New Delhi stopped the financial assistance for hiring the manpower for Civil Registration System (CRS) of the States. A copy of the said letter dated 20th April, 2017 of opposite party No.3 is at Annexure-5. But due to the shortage of staff in the offices of the CDMOs in the State for registration of the births and deaths, the Director, Public Health, Odisha requested the Secretary, Health and Family Welfare, Odisha for extension of services of 32 DPAs for a further period of one year. Simultaneously, by letter dated 17th July, 2017 as at Annexure-6 series, the Director, Public Health, Odisha requested the CDMOs for submission of performance reports for renewal of contractual service of the DPAs and the State



Coordinator, whereafter, opposite party No.3 by letter dated 25th July, 2017 extended their services for a period from 1st April, 2017 to 28th February, 2018. Again, before expiry of the above period, opposite party No.3 and the Director of Health, Intelligence and Vital Statistics, Odisha by letter dated 27th January, 2018 issued letters to the CDMOs intimating therein that contractual services of the DPAs are to cease on 28th February, 2018 (AN) as per the agreements executed. A month's notice was issued before end of contractual services w.e.f. 28th January, 2018. But as the CDMOs were in death of staff in their offices, opposite party No.3 once again requested the Secretary, Health and Family Welfare Department, Government of Odisha for extension and it was accordingly extended by letter dated 17th February, 2018 at Annexure-7 series.

4. The grounds of challenge to the action of the opposite parties are as to following- (i) The petitioners had been rendering services from 2014 but at the end of the contractual period of one year, by letter dated 31st January, 2019 i.e. Annexure-8, opposite party No.3 published one month notice indicating therein that such service is to expire on 28th February, 2019 (AN) and though discharging duties with utmost satisfaction of the authorities concerned, they were relieved from service in view of Annexure-8; (ii) the DPAs and the State Coordinator were not given their remuneration from December, 2018 to 28th February, 2019; (iii) the Deputy Director, Vital Statistics, Odisha & Deputy Chief Registrar of Birth and Death by letter 25th April, 2017 submitted the



justification and requirements of the posts of the DPAs. Similarly, by letter dated 7th December, 2017, the Mission Director, NRHM submitted the budgetary provision necessary for remuneration of 32 DPAs. Besides the above, opposite party No.3 moved opposite party No.1 by letter dated 21st December, 2017 for continuance of the DPAs for smooth functioning of the works. Even, the Additional Secretary to Government, Health and Family Welfare Department, Odisha by letter dated 12th February, 2018 requested the Director, Health Intelligence and Vital Statistics, Odisha for continuance of the services of the DPAs for strengthening CRS for a further period of one year or till posting of regular VS Clerks on the recommendation of Odisha Staff Selection Commission whichever is earlier. The above recommendations and requests for a budgetary provision with extension of the contractual services of the DPAs and copies thereof are at Annexure-9 series; (iv)opposite party No.3 on 26th February, 2019 while analyzing the requirements of the DPAs concluded that the performance during period between 2014 and 2018 has increased appreciably over the years and the contribution of the State Coordinator and the DPAs cannot be ignored and therefore, at that stage, their discontinuation may adversely affect the programme and for the vacancies of 14 posts of the DPAs and the State Coordinator from 2018, the percentage of births and deaths registration and certification got reduced. Similarly, the Director of Health Intelligence and Vital Statistics, Odisha by letter dated 28th February, 2019



elaborately described about the service of the DPAs and how their jobs are essential in view of the workload of ORS work (Births and Deaths Registration) in different districts of the State and justified the need for a budgetary provision and even requested for continuance of 18 posts of the DPAs to do the work of CRS. That apart, opposite party No.3 by letter dated 11th March, 2019 requested the Deputy Secretary to Government, Health and Family Welfare, Odisha for allocation of fund to make payments towards remuneration of the DPAs for the period from 1st December, 2018 to 28th February, 2019. Even some of the CDMOs requested opposite party No.3 for continuance of the services of the DPAs as all the posts of VS Clerks and SISA were lying vacant under VS Section since 31st October, 2017.

5. When the opposite parties did not consider the grievance of the petitioners in spite of the recommendations made, W.P.(C) No.7447 of 2019 was filed before this Court disposed of on 17th May, 2019 with a direction to the authority concerned to consider continuance of 18 DPAs in different districts to look after smooth management of Civil Registration System within the stipulated period. According to the petitioners, the above order was duly communicated to the opposite parties. But opposite party No.1 rejected the proposal of opposite party No.3 dated 28th February, 2019 without meeting all the points raised denying continuance of the DPAs and passed the impugned order dated 22nd June, 2019 i.e. Annexure-13, which is, therefore, an arbitrary action, illegal and also non est in the eyes of law.



6. Gone through the impugned order at Annexure-13.

7. Opposite party Nos.1 and 2 filed the counter affidavit and it has been pleaded therein that the Joint Director (CRS), Office of the Registrar General of India, Ministry of Home Affairs, Government of India by letter No.3320 dated 2nd September, 2013 requested the Directorate of Census Operations, Odisha for Financial Assistance to the Chief Registrar for hiring of manpower to strengthen the CRS in the States as the registration of births and deaths has been made compulsory. It is also pleaded that the Chief Registrars of Birth and Death were allowed to hire the State Coordinators and the DPAs in the offices of the Chief and Additional Chief Registrar of Birth and Death for each of their districts and at the level of the office of the Chief Registrar, one State Coordinator with two DPAs. The copy of said letter dated 2nd September, 2013 is at Annexure-A/3. It is further pleaded that the Registrar General of India, New Delhi suddenly stopped providing financial support in order to meet the remuneration of the DPAs and State Coordinator for the financial year 2017-18 and onwards with an intimation by letter dated 14th March, 2017 at Annexure-B/3 that the fund necessary for the said purpose is to be borne by the State Government. After careful consideration and in view of sudden withdrawal of funding, opposite party No.1 took a sympathetic view of the matter and allowed continuance of the DPAs with unspent funds available under Odisha Health Systems Project (OHSP) and by letter dated 21st December, 2017 requested opposite party No.1 for such



continuation of the services of the State Coordinator and the DPAs for the year 2018-19, which was allowed and communicated by Government's letter dated 12th February, 2018.

7.1. It is also pleaded that no sanctioned posts of the DPAs and State Coordinator are available under the administrative control of the Health and Family Welfare Department, Government of Odisha in order to make the budgetary provision under the non-plan scheme as requested by opposite party No.3 by letter dated 28th February, 2019 subsequent to the stoppage of fund flow from Government of India. In absence of any such sanctioned posts, discontinuation of the allotment of fund by the Registrar General of India, Ministry of Home Affairs, Government of India w.e.f. year 2017-18, the remuneration of the DPAs and State Coordinator was temporarily made by the State Government and it was an arrangement taking a sympathetic view of the matter and as such, the services of the DPAs are already over w.e.f. 28th February, 2019 as per the terms and conditions of the agreements executed individually. Lastly, it is pleaded that the petitioners have not been engaged against regular vacant posts of the State Government on contractual basis and therefore, cannot claim regularization after completion of 6 years of service rendered by them and therefore, the writ petitions are liable to be dismissed.

8. Heard Ms. Panda and Mr. Patra, learned counsels for the petitioners and Mr. Panda, learned ASC for the State.



9. Perused the rejoinder affidavit of the petitioners to the counter of opposite party Nos.1 and 2. Such other affidavits on record filed are also gone through.

10. Recorded the submissions of learned counsel for the respective parties. It is contended from the side of the petitioners that a recruitment process was held pursuant to an advertisement in the year 2013 and accordingly, the petitioners joined as the DPAs. A contention is that the petitioners continued the service for about five years, but without regularizing their services, advertisements were published in 2016, 2023 and 2024 for the posts of Vital Statistics Assistant (VSAs). It is pleaded that posts of VSAs were advertised to be filled up the same, however, this Court by order dated 30th October, 2019 granted interim protection to the petitioners therein with respect to the advertisement dated 10th October, 2019 and after the State filed I.A. No.12776 of 2020 for modification, by order dated 6th January, 2021, while dealing with the IAs, directed that the appointment against the vacancies in question has been permitted but with a condition that appointments of five persons from the bottom of the list of selection shall remain subject to result in the writ petitions and the letters of appointment shall also indicate the aforesaid direction.

10.1. It is contended by Ms. Panda, learned counsel that the plea of closure of the scheme is not true. It is further submitted that the Registrar General of India intimated that the requisite funding to support the exercise shall henceforth



be contributed by the State Government and since the advertisements were published in 2016 and 2023, it shows that sanctioned posts and funds are available and therefore, the State, being an ideal employer, should not deprive the petitioners of their legitimate employment. It is also contended that stoppage of funds and cessation of services of DPAs being the reason is untenable when the employment of the petitioners is very much necessary for the Health Departments, Government of Odisha, for which, the advertisements were issued to fill up the posts. The further contention is that opposite party No.3 time and again recommended and requested continuance of the petitioners evident from Annexure-11 series to the writ petition stating therein the vacancy position and the requirements of the DPAs, but unfortunately, the counter is filed through him and on behalf of opposite party Nos.1 and 2 justifying the cessation of employment. Ms. Panda and Mr. Patra, learned counsels for the petitioners unanimously submit that the State Government made advertisements and hence, discontinuation of the employment of the petitioners on any such ground as to withdrawal of funding by the Government of India is not fair and justified. The claim is that the petitioners were recruited by a process of selection and their services could have been regularized when posts were lying vacant. It is submitted that the petitioners, having worked for five years, with such experience at their disposal, have a legitimate right to be regularized but the State published the advertisements for fresh requirements instead of continuing with their



services and absorption after each completing the contractual term of 6 years and such non-consideration denying regularization is violative of the fundamental rights guaranteed under Articles 14, 16 and 21 of the Constitution of India. Ms. Panda, learned counsel cited a decision of the Apex Court in **Bhola Nath Vrs. The State of Jharkhand and others 2026 INSC 99** in support of the contentions advanced. It is contended that action of the State Government is arbitrary in not allowing the petitioners to continue in service and such decision is inconsistent with its obligation to act as a model employer, which in view of the decision (supra) as to be held as in derogation of Article 14 of the Constitution of India.

11. On the contrary, Mr. Panda, learned ASC for the State submits that the petitioners joined in contractual service and not against any sanctioned posts and therefore, they cannot demand continuation beyond the period of contract and furthermore, the Government of India stopped the fund, hence, there has been cessation of service and hence, opposite party No.1 did commit any wrong or illegality in passing the impugned order dated 22nd June, 2019 as at Annexure-13. Mr. Panda, learned ASC would further submit that the petitioners cannot demand extension of contractual service as they are governed by the terms and conditions of the contract separately executed by them. Furthermore, the regularization of the petitioners in service cannot be conceived of since their appointments have not been made against sanctioned posts. The contention is that the petitioner



is well aware of their service conditions and despite stoppage of fund received from the Government of India, they were allowed to continue with a temporary arrangement made and at last, the services were ceased w.e.f. 2019, which is in accordance with the contractual terms and therefore, it cannot be faulted with.

12. Admittedly, the engagement of the petitioners is contractual and it was extended from time to time. For the first time in 2017, notice was issued indicating cessation of contractual engagement of the petitioners, but it was extended till 31st January, 2019. Whether the petitioners could have been allowed to continue as DPAs even after stoppage of funds by Government of India? If at all, the petitioners can claim continuation of services beyond the contractual period and also demand regularization against the regular posts of VSCs? According to Ms. Panda and Mr. Patra, learned counsels for the petitioners, the vacancies were available to accommodate the DPAs and it is also proved by the fact that the advertisements were published by the Government to fill up the regular posts. Referring to the recommendations as per Annexure-11 series, the contention is that the petitioners could be suitably retained and adjusted against the vacant posts to look after the CRS work. Referring to Annexure-10, it is claimed that the details of the information and justification for the requirement of the DPAs and the State Coordinator under the Director of Health Intelligence and Vital Statistics were furnished to the Government and also the achievements made between 2014-2018 and the decrease



in the registration of births and deaths for the year 2018 due to 14 DPAs and State Coordinator posts lying vacant. Mr. Patra, learned counsel refers to the job assignment meant for Junior Statistician/Statistical Investigator/Statistical Assistant and VSCs (PH Wing) in the offices of the CDMOs to claim that the nature of duty is to ensure timely collection, compilation and submission of reports contending that the posts of VSCs are lying vacant and as against the said posts, the petitioners may be accommodated and furthermore when there is no shortage of fund. Mr. Patra, learned counsel also refers to a letter of the Government of Odisha, Health and Family Welfare Department dated 24th August, 2020 addressed to the Chairman-cum-CEO, Odisha Computer Application Centre OCAC, Bhubaneswar on extension of e-Municipality birth and death module to rural areas (314 CHCS) of the State stating therein the estimated cost of the project. The purpose of the submission, as according to Mr. Patra, learned counsel is that fund is not an issue and also the posts are available and therefore, it was wholly unjustified to direct cessation of employment of the petitioners, whose services should have been continued without break and when the nature of their job as the DPAs is no different than the VSCs and such other posts in view of the duty chart/job assignments released by the Director, Public Health, Odisha.

13. The selection process has been held by an advertisement as per Annexure-1. Admittedly, it has been contractual appointment of the petitioners. Initially, the financial assistance was provided by Government of India for hiring



the State Coordinators and the DPAs in the offices of the Chief District and Additional District Registrars. But the fund was stopped with an intimation to the State Government to meet the expenses on its own. Of course, the petitioner could not have a right to insist upon continuation of their services beyond the contractual period. But at the same time, whether, it was really justified for the State to discontinue the services of the petitioners on any such grounds pleaded on record. Primarily, the cessation of employment of the petitioners from 2019 and onwards is on the premise of stoppage of funds by Government of India. Another plea is that the petitioners cannot demand regularization since the initial engagement has not been against any sanctioned posts. It is also pleaded that the petitioners do not have a right to demand continuation in service beyond the contractual period in view of the terms and conditions of the agreements executed with them. Whether in the presence set of facts, the Government committed any illegality in disallowing the petitioners to continue in service as the DPAs?

14. In Bhola Nath (supra), the Apex Court, in a case of contractual appointment, in exercise of its jurisdiction under Article 136 of the Constitution of India, intervened and held that the State was not right in not considering regularization after having offered service for 10 years. In the case (supra), the contractual appointees were allowed to continue against sanctioned posts for long years but followed by an abrupt disruption of engagement and concluded that such discontinuance in service solely on the basis of contractual



nomenclature without either recording cogent reasons or passing a speaking order is manifestly arbitrary and violative of Article 14 of the Constitution. It is observed therein that contractual stipulations purporting to bar claims for regularization having been appointed against sanctioned posts cannot override constitutional guarantees and furthermore acceptance of contractual terms does not amount to waiver of fundamental rights. It has been held in the above decision that the State has to act as model employer. It is also concluded that the controversy was not one of mere acquiescence or implied waiver of rights as therein the petitioner was under contractual engagement. It is further held therein that the State is saddled with heightened obligation in discharge of its functions; a model employer is expected to act with high probity, fairness and candour and bears a social responsibility to treat its employees in a manner that preserves their dignity; the State cannot be permitted to exploit its employees or to take advantage of their vulnerability, helplessness or unequal bargaining position and therefore, as a necessary corollary, it is required to exercise caution while discharging the role of an employer and the constitutional mandate is a strict obligation to be discharged with as a model employer from which no exception can be approved of. In the above decision, the engagements on contractual terms were against sanction posts of Junior Engineers (Agriculture) with the engagement being described from the inception as contractual in nature and such engagement was extendable subject to satisfactory



performance and against the aforesaid background, the Apex Court referring to its earlier decision in **Central Inland Water Transport Corporation Ltd. Vrs. Brojo Nath Ganguly and another (1986) 3 SCC 156** held that the Constitution of India casts an obligation on the Courts to advance social and economic justice and to give effect to the equality mandate under Article 14 and in given circumstances, it shall not hesitate to invalidate contracts or any such clauses therein which are unfair or unreasonable when entered into between the parties with unequal bargaining power.

15. In the case at hand, it is pleaded by the opposite parties that the initial appointments of the petitioners have not been made against any sanctioned posts. Nevertheless, a selection process has been followed with an advertisement and engagement of the petitioners as the DPAs to look after the CRS and fieldwork in rural and urban areas by placing their services at the disposal of the Chief Registrar of Birth and Death at the HQs. The claim of the petitioners is that fresh advertisements have been made and that has proved the need of manpower but they were sidelined and not considered leading to the cessation of their services. The Government of India stopped the funds to manage the CRS, whereafter, the State Government instead of funding itself to the project took a decision to bring an end to the contracts with the petitioners and simultaneously, to go ahead to fill up posts of the VSCs lying vacant. The plea of the petitioners is that after stoppage of fund by the Government to India, the State Government



should not have terminated their contractual engagement as by then they had already served for five years as the DPAs and when the requirement of manpower was clearly evident in view of the recommendations made as per Annexure-11 series. No doubt, time and again, the concerned authorities intimated the Government about the need for the contractual engagement of the petitioners to continue to manage the CRS. From impugned order at Annexure-3, it is made to appear that the stoppage of funds and absence of regular sanctioned posts to be the primary reason in considering cessation of employment of the petitioners notwithstanding flurry of recommendations received.

16. At the relevant point of time, regular posts of VSCs were lying vacant but no sanctioned posts of DPAs and State Coordinator. The petitioners were engaged as the DPAs. The nomenclature of the posts held by the petitioners is different but the claim is that the nature of work and duties are similar to the VSCs. The aforesaid claim has nowhere been denied by the opposite parties nor it has been dealt with by opposite party No.1 while considering the grievances of the petitioners. The fundamental reason for rejecting the request of the petitioners is that they were not appointed against any sanctioned posts and the engagement is purely temporary and on contractual terms. To fill up the vacancies of posts of the VACs, the advertisements were made. Referring to the duty chart/job assignment released by the Director of Public Health, Odisha submitted to the Court, it is claimed that the nature of duty and the responsibility discharged by DPAs is



no less different than the VSCs. Considering the huge number of vacancies available by then, in the considered view of the Court, the Government really had a viable option to consider continuation of services of the petitioners irrespective of the fact that their engagement was contractual. Of course, the services of the petitioners are governed by the terms and the conditions of the contracts executed by them and extension of the same is a prerogative of the authority concerned. In fact, opposite party No.3 made one of such recommendations claiming that there is severe shortage of manpower and therefore, the services of the petitioners should be continued with the extension of their contractual services and according to them, the irony is that in the counter filed on behalf of opposite party Nos.1 and 2, the impugned action is justified with a diabolically opposite stand being taken. It is alleged that opposite party No.3 made the recommendation and justification to continue with the services of the petitioners as the DPAs and also the State Coordinator even after stoppage of fund by the Government of India and on the other hand has supported the cessation of their employment. It could well be that the requirement of manpower prompted opposite party No.3 to submit such recommendation, but after cessation of employment of the petitioners to justify it though an approach looks quite unusual but not difficult to decipher the reason behind. This Court is alive to the fact that the petitioners had been engaged on contractual basis but having regard to the fact that their services continued for five years with extensions, the State



Government having realized the need of the manpower should have given an anxious consideration to the need of their services as the DPAs to manage the CRS when the nature of the duties is no dissimilar to the VSCs. The plea of the petitioners for accommodating them against the regular posts of VSCs though debatable should have been explored. Even though there has been no regular recruitment typically conducted for a Government post but an interview having been held with a selection process adopted, it shall have to be held that such selection is not illegal and at best be held as irregular in view of the settled position of law laid down by the Apex Court originated from the decision in **Secretary, State of Karnataka and others Vrs. Umadevi (3) and others (2006) 4 SCC 1**. This Court while exercising jurisdiction under Article 226 of the Constitution of India cannot issue a writ of mandamus to the State to create posts to accommodate the petitioners. But having regarding to the fact that the petitioners were under contractual appointment and the posts held by them are similar to the job assignment of VSCs, the State Government should freshly consider their claim with a decision followed dealing with all such pleas put forth.

17. Accordingly, it is ordered.

18. In the result, the writ petitions stand disposed with a direction to opposite party No.1 to comply the direction as aforesaid considering the grievances of the petitioners on a proper perspective followed by orders at the earliest



preferably within a period of eight weeks forthwith communicating them the decision thereon. As a logical sequitur, the impugned decision by orders dated 22nd June, 2019 as at Annexure-13 is hereby set aside. It is further directed that opposite party No.1 shall take a decision on all such pleas of the petitioners independently without being influenced by any of the observations made hereinabove. It is further directed that the writ petition and the affidavits filed herein and the grounds pleaded therein shall be considered by opposite party No.1 while taking a decision vis-à-vis grievances of the petitioners and their plea as to accommodating them against the regular posts of the VSCs for the similar nature of duties discharged and performed as the DPAs keeping in view the position of law.

19. Interim order(s) shall remain in force till a final decision of opposite party No.1 within the above stipulated period.

20. No order as to the costs.

(R.K. Pattanaik)
Judge

Rojina

Signature Not Verified

Digitally Signed
Signed by: ROJINA SAHOO
Designation: Junior Stenographer
Reason: Authentication
Location: OHC, CTC
Date: 21-Jul-2026 19:57:17

