



IN THE HIGH COURT OF ORISSA AT CUTTACK

WP(C) No.20375 of 2025
CNR NO: ODHC010462962025

(Under Article 226 and 227 of the Constitution of India)

Manish Ranjan Naik

....

Petitioner

-versus-

***State of Odisha, represented
through its Secretary, School and
Mass Education Department and
Others***

...

Opposite Parties

Advocate(s) appeared in this case:-

For Petitioner : Ms. Nibedita Mohanty, Advocate

For Opp. Parties : Mr. T.K. Dash, A.G.A.

CORAM: JUSTICE B.P. ROUTRAY

JUDGMENT
18th August, 2026

B.P. Routray, J.

1. Heard Ms. N. Mohanty, learned counsel for the petitioner and Mr. T.K. Dash, learned Additional Government Advocate for State - opposite parties.

2. The Petitioner was initially engaged as Data Entry Operator in the District Project Office of OSEPA vide engagement order dated 25th February, 2012. While continuing as such he took No Objection Certificate for applying to the post of Technical Support Staff in IM-



PDS. Subsequently, he resigned from the post of Data Entry Operator on 1st October 2022 and joined as Technical Support Staff in IM-PDS at Malkanagiri on 7th October 2022. After working for 14 days at Malkanagiri, he joined as Technical Support Staff at IM-PDS, Nabarangpur and worked there till 31st March 2023. In the meantime, the Petitioner sought for withdrawal of his resignation letter dated 1st October 2022 and to continue as Data Entry Operator as he was before. However, he was not permitted to work as the Data Entry Operator and this is the subject grievance of the Petitioner in present writ petition.

3. The Petitioner has prayed for a direction to the opposite parties to re-engage him as Data Entry Operator in the District Project Office at Nabarangpur under OSEPA by revoking the rejection order dated 1st November 2023 under Annexure-5.

4. It needs to be mentioned here that vide order dated 1st November, 2023 under Annexure-5, the State Project Director of OSEPA has intimated the District Education Officer-cum-District Project Coordinator, Nabarangpur that the withdrawal letter dated 13th January 2023 of the Petitioner regarding his resignation has been rejected.



5. It is submitted by Ms. Mohanty on behalf of the petitioner that, since no formal order of acceptance of resignation of the Petitioner has been passed by the authority till date, there would not be any impediment for accepting the prayer of withdrawal of resignation letter given by the Petitioner. And moreover, the District Education Officer in his enquiry report dated 29th May 2023 has stated that the Petitioner has rendered efficient and good service for a period of ten years seven months without any adverse remark against him. The District Education Officer in his enquiry report has also supported for withdrawal of resignation letter of the Petitioner

6. The State has filed its counter denying the prayer of the Petitioner. It is stated that, when the Petitioner after giving his resignation as Data Entry Operator has joined as Technical Support Staff in Malkanagiri and then in Nabarangpur district and has drawn his remuneration accordingly till 31st March 2023, his continuance as Data Entry Operator in the District Project Office at Nabarangpur cannot be resumed. It is submitted by Mr. Dash, learned AGA that when the Petitioner submitted his application for withdrawal of his resignation on 13th January 2023, at that time he was already serving as Technical Support Staff under IM-PDS in Nabarangpur district and therefore, the same cannot be accepted at any



circumstances. According to Mr. Dash, learned AGA the Petitioner, within his full knowledge, has deliberately submitted his resignation and worked in another post for such period and therefore, his letter of resignation is deemed to have accepted on joining of the Petitioner in another post.

7. The short question arose for determination is, whether the prayer of the petitioner to withdraw his resignation letter would be permitted at this belated stage, particularly when he worked in another post after submitting the resignation letter.

8. The facts, as found admitted, from the narration of statements made in the writ petition as well as in the counter affidavit reveals that the petitioner after submitting his resignation on 1st October 2022, joined as Technical Support Staff at Malkangiri under IM-PDS. This is a complete different engagement and a different post than the petitioner earlier held. When the petitioner joined in the post of Technical Support Staff after submitting his resignation as Data Entry Operator, though no formal order has been passed accepting his resignation, it is deemed that his resignation has been accepted when he joined in a different post of Technical Support Staff in another department of Government. The question would have been different had the petitioner waited for formal



acceptance of his resignation without joining in any other post. It is true that no formal order of acceptance of resignation of the petitioner has been passed by the authority till date. But at the same time, it is the petitioner who joined in another post on 7th October 2022 after submitting his resignation on 1st October 2022. Therefore, on the date when he joined in another post on submission of resignation from earlier post, he forfeited his lien to be continuing in the earlier post, and there could not be any right accrued in favour of the petitioner to withdraw his resignation after 7th October 2022.

9. The District Education Officer in his enquiry report has clearly stated regarding joining of the petitioner as the Technical Support Staff with effect from 7th October 2022 till 31st March 2023 and this appears to be an admitted fact as conceded by the petitioner. The petitioner has not only worked in the post of Technical Support Staff from 7th October 2022 till 31st March 2023, but also has drawn his remuneration for that period. Therefore, now his prayer for continuance in the earlier post of Data Entry Operator by withdrawing his resignation letter dated 1st October 2022 does not merit any consideration because no person can be permitted to work in a different post simultaneously while deemingly continuing in another post. Here the right of the petitioner in the post of



Data Entry Operator has been ceased on the date when he joined in the post of Technical Support Staff under another department. However, the prayer of the petitioner for consideration of his case afresh for engagement as Date Entry Operator in the District Project Office, Nabarangpur under OCEPA would be a different consideration altogether.

10. Thus, this court while rejecting the prayer of the petitioner directs the authority, i.e. State Project Director, OSEPA (O.P. No.2) to consider the engagement of the petitioner afresh keeping in view the recommendation of the District Education Officer in his enquiry report dated 29th May, 2023 (Annexure-4).

11. With aforesaid observations and direction, the writ petition is disposed of.

(B.P. Routray)
Judge

M.K. Panda, P.A./ Nitu, Jr. Steno