



IN THE HIGH COURT OF ORISSA AT CUTTACK
WP(C) No.27418 of 2024

Birat Harpal & Anr.

.....

Petitioners

Represented by Adv. -
Durgesh Narayan Rath

-versus-

State of Odisha & Ors.

.....

Opposite Parties

Represented by Adv. -
Smt. S.Nayak, A.S.C.

CORAM:
THE HON'BLE MR. JUSTICE ADITYA KUMAR
MOHAPATRA

ORDER
20.07.2026

Order No.

- 02.
1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
 2. Heard learned counsel for the Petitioners as well as learned Additional Standing Counsel for the State-Opposite Parties. Perused the writ application as well as the documents annexed thereto.
 3. The Petitioners have filed the present writ application with the following prayer:

“Under the above circumstance, it is therefore, humbly prayed that this Hon'ble Court may be graciously pleased to issue a writ in the nature of writ of mandamus or any other appropriate writ, direction or order by quashing the order dated 03.04.2024 passed by the opposite party No.1 under Annexure-14 to the writ petition.

And this Hon'ble Court be further pleased to direct the opposite parties to treat the petitioners as



that of Sikshya Sahayaks with effect from 15.04.2008 since the petitioners are engaged in the vacant post of Sikshya Sahayaks and are having the same qualification as that of the Sikshya Sahayaks and are performing the same duty that is available for Sikshya Sahayaks in a primary school as per the policy decision of the State Government and accordingly to treat the petitioners as Junior Teachers with effect from 15.04.2011 and Regular Primary School Teacher with effect from 15.04.2014, in terms of the law decided in the case of Dhananjay Charan Dey & others v. State of Orissa (W.P.(C) No. 31679 of 2011 decided on 5.3.2020). ”

4. Learned counsel for the Petitioners at the outset contended that the Petitioners were initially appointed as a Ganasikshyak under order Annexure-3 series by the Opposite Party No.3. While the Petitioners were discharging their duty the Government of Odisha came up with policy decision vide Resolution dated 04.12.2013. As per the said policy decision the Ganasikshyaks discharging their duties, on completion of six year of service were to be regularized. In view of the aforesaid policy decision, learned counsel for the Petitioners contended that the service of the Petitioners should have been regularized on completion of six years of service from the date of his initial appointment order under Annexure-3 series. However, contrary to the aforesaid policy decision, the Opposite Party shall regularize the service of the Petitioners upon completion of eight years of service. By virtue of order under Annexure-9 series to the writ application.

5. In course of his argument, learned counsel for the Petitioners emphatically contended before this Court that similarly situated other persons have been given benefit of the policy decision of the Government and the benefit accrued under the Government



Notification dated 04.01.2024. He further contended that in the meantime, the Petitioners and other similarly situated persons approached the Opposite Party No.1 with a request to grant the benefit of regularization upon completion of six years of service by modifying the earlier regularization order under Annexure-9 series.

6. Since no decision was taken by the Opposite Party No.1 on the representation of the Petitioners and similarly situated other persons, being aggrieved by such inaction, the Petitioners approached this Court by filing W.P.(C) No.6366 of 2021, which was disposed of by a coordinate Bench vide order dated 26.02.2021 with a direction to the Opposite Party No.1 to consider the fresh representation of the Petitioners by taking into consideration the judgment of this Court in W.P.(C) No.31679 of 2011 and a batch of similar other writ applications disposed of by a common judgment. After disposal of the abovenoted writ application, though the Petitioners approached the Opposite Party No.1, the Opposite Party has erroneously rejected the representation of the Petitioners vide order dated 03.04.2024 at Annexure-14. Being aggrieved by such order, the Petitioners have once again approached this Court by filing the present writ application.

7. Mr. Rath, learned counsel appearing for the Petitioners at this juncture contended that the issue involved in present writ application also directly and substantially in issue in W.A. No.524 of 2024 and a batch of similar other writ application (***Bishnu Naik and others vs. State of Odisha and others***) was adjudicated by a Division Bench of this Court and the same was disposed of by a common judgment dated 18.03.2025. The Hon'ble Division Bench of this Court allowed the prayer of the Appellant in the Writ Appeal



directing the State-Opposite Parties to antedate the regularization of the Appellant in that case by modifying the earlier regularization order. The Hon'ble Division Bench has also taken note of a policy decision of the Government and has observed that the service of the Appellant should have been regularized upon completion of six years of service. The aforesaid common judgment of the Division Bench 18.03.2025 was challenged before the Hon'ble Supreme Court by the State-Opposite Parties by filing Special Leave Petition (Civil) Diary No.1408 of 2026. In course of hearing, learned counsel for the Petitioners produce a copy of order dated 01.04.2026. On perusal of the said order passed by the Hon'ble Supreme Court of India in the abovenoted SLP, this Court observed that the SLP has been dismissed on the ground of limitation. Therefore, this Court has no hesitation has in concluding that the judgment of the Hon'ble Division Bench in ***Bishnu Naik's case*** (supra) and a batch of similar other writ appeals have attained finality in the meantime.

8. Learned counsel for the State on the other hand contended that although she has no specific instruction in the matter, it appears that after disposal of the earlier writ application the Petitioners have approached the Opposite Parties. The Opposite Parties, after due consideration of the prayer of the Petitioners, have rejected the prayer of the Petitioners by virtue of the impugned order dated 03.04.2024 at Annexure-14. He further submitted that while rejecting the prayer of the Petitioners for regularization upon completion of six years', the service period of the Petitioners have been discussed in detail and, after a due consideration the prayer of the Petitioners have been rejected by the Opposite Party No.1. In view of the aforesaid position, learned counsel for the State



contended that the prayer of the Petitioners challenging the rejection of order dated 03.04.2024 does not call for any interference by this Court. It was also contended that the appeal preferred by the State-Opposite Parties was dismissed on the ground of limitation. Therefore, the issue involved in the present writ application has not attained finality. On such ground, learned counsel for the Petitioners contended that the present writ application is devoid of merit and, accordingly, the same should be dismissed.

9. Having heard the learned counsels appearing for the respective Parties, on a careful examination of the background facts and further taking note of the policy decision of the State Government as well as the rejection order dated 03.04.2024 at Annexure-14, this Court found that as per the policy decision of the Government the service of the Ganasikshyakas is required to be regularized upon completion of six years of continuous service. In the instant case, it is an admitted fact that the service of the Petitioners was regularized upon completion of eight years of service. Moreover, the Hon'ble Division Bench of this Court has upheld the policy decision and has issued direction to regularize the service of the Petitioners upon completion of six years of service by antedating the earlier regularization order in ***Bishnu Naik's case*** (*supra*). In view of the aforesaid legal position, this Court is of the view that the impugned order dated 03.04.2024 is unsustainable in law and, accordingly, the same is hereby set aside. Further, the matter is remanded back to the Opposite Party No.1 to reconsider the prayer of the Petitioners as has been directed by this Court in the earlier writ application by taking into consideration the judgments of the Hon'ble Division Bench dated 18.03.2025 passed



in W.A. No.524 of 2025 and batch and the order of the Hon'ble Supreme Court in SLP(C) Diary No.14086 of 2026, and dispose of the same by passing a speaking and reasoned order within a period of three months. The final decision so taken be communicated to the Petitioners within ten days thereafter.

10. With the aforesaid observation/ direction, the writ application stands disposed of.

11. Issue urgent certified copy of this order as per Rules.

(A.K. Mohapatra)
Judge

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Signature Not Verified

Digitally Signed
Signed by: RUBI BEHERA
Reason: Authentication
Location: OHC
Date: 27-Jul-2026 11:55:57

