IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.14548 of 2020

Basanti Behera …. ***Petitioner***

Mr.Pabitra Kumar Nayak, Advocate

-versus-

State of Odisha & Others … ***Opposite Parties***

Mr.D.N. Lenka, AGA

CORAM:
JUSTICE DIXIT KRISHNA SHRIPAD

ORDER
15.12.2025

Order No.
03

Petition prayer reads as under:-

"…..Why the order No.1051 dated 26.03.2018 passed by the opp. Party No.4 vide (Annexure-7) will not be quashed;

(ii Why the petitioners will not be allowed to resume their duties in their respective places, where they used to work;

(iii) Why the service of the petitioners will not be regularised as per guide line treating them as uninterrupted service holder; and

(iv) Why the salary for the period of discontinuance of service will not be treated as their dues for the period by treating the same as their period of duties in their service and the same will not be paid to the petitioners….."

2. Learned counsel for the petitioner, drawing attention of the Court to the judgment passed by a Coordinate Bench of this Court in RVWPET No.31 of 2025 disposed off on 17.10.2025 between ***Banita Behera v. State of***

Odisha, submits that the case of petitioner is cent percent covered by the said judgment and therefore, the relief granted to litigants in the subject review petition needs to be extended to his client as well. At paragraph-24 of the cognate judgment, the following relief has been granted to the litigation in the said petition:-

> *"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 SCWomen 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 inservice 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….."

Despite vehement submission, learned AGA Mr. Lenka is not in a position to differentiate the fact matrix of this case from that of cognate decision. Even the date of disengagement is also same.

In the above circumstances, this petition succeeds; a Writ of Certiorari issues quashing the impugned order dated 26.03.2018, as has been done in the cognate

petition. The relief granted to the cognate litigant is extended to the petitioner herein *mutatis mutandis*.

Web copy of order to be acted upon by all concerned.

(***Dixit Krishna Shripad)***
Judge

Basu

Signature Not Verified
Digitally Signed
Signed by: BASUDEV NAYAK
Designation: ADDL. DY. REGISTRAR-CUM-ADDL PRINCIPAL SECRETARY
Reason: Authentication
Location: ORISSA HIGH COURT : CUTTACK
Date: 18-Dec-2025 16:14:30