IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.7520 of 2026

CNR No. ODHC010159862026

Smita Sukla .... ***Petitioner***

Mr. K.C. Sahu, Advocate

-versus-

State of Odisha & Ors. .... ***Opposite Parties***

Dr. P.P. Behera, ASC

CORAM:
JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

Order No. **11.11.2026**

02. **1.** This matter is taken up through Hybrid Arrangement (Virtual/Physical) Mode.

2. Heard learned counsel appearing for the Parties.

3. Petitioner has filed the present Writ Petition *inter alia* with the following prayer:-

> *"It is therefore prayed that the Hon'ble Court be graciously pleased to pass following relief(s):-*
>
> *(i) The Hon'ble Court be pleased to admit & allow this writ petition,*
>
> *(ii) The Hon'ble Court be pleased to quash the impugned order of rejection dtd. 29.03.2025 under Annexure-14 with further directing the 0pp. Parties for induction so also regularization of the services of the Petitioner in view of completion of six years of uninterrupted contractual service on the date of commencement of statutory recruitment rule namely "Odisha Pharmacist Service (Method of Recruitment & Conditions of Service) Rules 2019" keeping in view of the unamended deeming provisions of Rule-4 & 5 under Annexure-8 so also keeping in view of the different judgments of Hon'ble Apex Court in the matter of regularization as well as keeping in view of the judgment of this Hon'ble Court (ltd. 26.04.2024 passed in W.P.(C) No. 35563 of 2020 & batch (Amaresh Bchera*

-Vs. State of Odisha & Others) being confirmed in the Writ Appeal with all consequential service & financial benefits within a time bound period for the interest of justice.

And/or

(iii) The Hon'ble court be pleased to pass any other order(s)/direction(s) as deems fit & proper for the bonafide interest of justice.

4. It is contended that claim of the Petitioner is covered by an order passed by this Court in a batch of Writ Petition so reported in ***2024 (II) ILR, Cuttack-642 (Amaresh Behera & Ors. vs. State of Odisha & Ors.),*** further confirmed with dismissal of the Writ Appeals in Writ Appeal No.9 of 2025 & batch vide order dtd.07.05.2026, relying on the order passed in W.A. No.1323 of 2023 **(*State of Odisha vs. Chhabindra Kumar Samal)*** disposed of on 02.07.2025.

4.1. It is also contended that order passed in the Writ Appeal in the aforesaid batch, were challenged by the State by filing different Civil Appeals, the main one in the case of ***State of Odisha vs. Chhabindra Kumar Samal***. Hon'ble Apex Court while not interfering with the order, observed as follows, so reflected in Para-15:-

*"**15**. In view of the above, we are not inclined interfere with the impugned orders passed by the High Court. However, it is made clear that such contractual pharmacists working in the Mobile Health Unit/Team who had not completed six (06) years of contractual service as on 27th November 2020 shall be governed under the amendment dated 27th November 2020."*

4.2. It is accordingly contended that since the issue has already attained its finality before the Apex Court in the case of ***Chhabindra Kumar Samal*** so cited (supra) the ground on which Petitioner's claim has been rejected vide order dtd.29.03.2025 under Annexure-14, is no more sustainable in the eye of law.

5. Learned Addl. Standing Counsel for the State on the other hand contended that Petitioners' claim is not covered by the order passed in the case of ***Amaresh Behera*** and so also the decision in the case of ***Chhabindra Kumar Samal***.

5.1. Learned Addl. Standing Counsel for the State accordingly contended that the matter be heard on merit.

6. Having heard learned counsel appearing for the Parties and considering the submissions made, this Court after going through the order passed in the case of (***Amaresh Behera & Ors. vs. State of Odisha & Ors.)*** so confirmed in Writ Appeal as well as by the Apex Court in the case of ***State of Odisha vs. Chhabindra Kumar Samal***, is of the view that Petitioner's claim is covered by the order so disposed of finally by the Apex Court in the case of ***Chhabindra Kumar Samal***.

6.1. In view of the aforesaid analysis, this Court while quashing the impugned order dtd.29.03.2025 so passed by the Opposite Party No.2 under Annexure-14 dispose of the Writ Petition in the light of the order passed by the Apex Court in the case of ***Chhabindra Kumar Samal***.

6.2. In view of the quashing of the order, Opposite Party No.2 is directed to take a fresh decision by following the decision of the Apex Court in the case of ***Chhabindra Kumar Samal*** as expeditiously as possible preferably within a period of two (2) months from the date of receipt of this order.

7. Accordingly, the Writ Petition stands disposed of.

(Biraja Prasanna Satapathy)
Judge

Basudev

Signature Not Verified
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Signed by: BASUDEV SWAIN
Reason: Authentication
Location: High Court of Orissa, Cuttack
Date: 13-Nov-2026 15:14:09