IN THE HIGH COURT OF ORISSA AT CUTTACK
WP(C) No. 9344 of 2026

Rasmita Mishra ..... ***Petitioner***

Ms. P. Rath, Sr. Advocate with
Ms. S. Prusty, Advocate

-versus-

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

Mr. A. Tripathy, AGA

CORAM:
THE HON'BLE MR. JUSTICE BIRAJA PRASANNA SATAPATHY
ORDER
07.04.2026

Order No. 01

1. This matter is taken up through hybrid mode.

2. Heard Ms. P. Rath, learned Sr. Counsel appearing for the Petitioner and Mr. A. Tripathy, learned Addl. Government Advocate appearing for the Opp. Parties.

3. The present writ petition has been filed inter alia with the following prayer:-

> *"WHEREFORE, in light of the above facts and circumstances, it is most humbly prayed that this Hon'ble Court be pleased to issue appropriate writ /order/directions:*
>
> *1. That the Opposite Parties may not proceed with the appointment of any persons through the Departmental Promotion Committee to the post of Assistant Executive Engineer, in H & UD Department, Government of Odisha without regularising the Petitioner to the post of Assistant Executive Engineer, in H & UD Department, Government of Odisha in terms and consequence of the Judgment dated 28.10.2025 in the said W.P.(C) No. 24653 of 2025;*

2. Pass any such order as it may deem fit;

In the interests of justice and equity."

4. Learned Sr. Counsel appearing for the Petitioner contended that on the face of the order passed by this Court under Annexure-2 and prior to implementation of the same since the authorities are proceeding with the promotion to the post of Asst. Executive Engineer, the present writ petition has been filed with the prayer as indicated hereinabove.

4.1. It is contended that prior to implementation of the order passed by this Court under Annexure-2, no step be taken to fill up the post of Asst. Executive Engineer in terms of the letter issued on 23.12.2025 under Annexure-4. It is also contended that order under Annexure-2 has not been assailed before the higher forum.

5. Learned Addl. Govt. Advocate on the other hand contended that vide order under Annexure-2, this Court has directed the Opp. Parties to regularise the services f the Petitioner as against the post of Asst. Executive Engineer against the vacant post. In view of the nature of the order, no further order is required to be passed as prayed for and the prayer as made is premature.

5.1. It is also contended that if the order passed under Annexure-2 has not been assailed as contended, Petitioner will get the benefit of the said order and filling up the post in question in terms of Annexure-4 will no way cause prejudice to the Petitioner.

6. Having heard learned counsel appearing for the Parties and considering the submission made, this Court finds that there is already an order in favour of the Petitioner to regularize him along

with others as against the post of Asst. Executive Engineer, vide judgment under Annexure-2. On the face of such order and if as contended the order is not under challenge, this Court is of the view that no further order is required to be passed with the prayer as made. Accordingly, this Court is not inclined to entertain the writ petition and dismiss the same.

It is open for the Petitioner to take appropriate step for implementation of the order under Annexure-2.

7. The writ petition accordingly stands dismissed with the aforesaid observation.

(BIRAJA PRASANNA SATAPATHY)
Judge

Basudev

Signature Not Verified
Digitally Signed
Signed by: BASUDEV SWAIN
Reason: Authentication
Location: High Court of Orissa, Cuttack
Date: 08-Apr-2026 11:15:00