IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.12403 of 2026
CNR No. ODHC010259892026

Rashmita Mallick .... ***Petitioner***

Mr. S.D. Routray, 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, most humbly prayed that this Hon'ble Court be graciously pleased to:*
>
> *i) Admit the writ application.*
>
> *ii) Call for the record.*
>
> *iii) Issue RULE NISI calling upon the opposite parties more particularly opposite party No. 2 why the impugned Order dated 06.01.2026 under Annexure: 10 shall not be quashed.*
>
> *iv) If the opposite parties fail to show cause or show insufficient cause, issue a writ in the nature of certiorari by quashing the impugned Order dated 06.01.2026 under Annexure: 10 issued by the opposite party No.2.*

v) Issue a writ in the nature of mandamus or any other writ/writs direction/directions directing the opposite parties, to regularize the service of the petitioner as Staff Nurses in terms of the judgment passed by this Hon'ble Court in W.P.(C) No.35563/2020 decided on 26.04.2024 (Amaresh Behera and others Versus State of Odisha and others) under Annexure:8 and further the opposite parties be directed to extend all the consequential service and financial benefits as due and admissible to the petitioner.

vi) And/or pass such other order/orders, direction/directions as this Hon'ble Court may deems fit and proper for the ends of justice.

And for the said act of kindness, the petitioner as in duty bound shall ever pray."

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.06.01.2026 under Annexure-10, 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.06.01.2026 so passed by the Opposite Party No.2 under Annexure-10 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

Nitu Prava

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Reason: Authentication
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