IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) No.32066 of 2026
CNR No. ODHC010748212026

Sulochana Padhi …. **Petitioner**
Mr. S.K. Das, Advocate

-Versus-

State of Odisha and others …. **Opposite Parties**
Mr. Surya Kanta Parhi, ASC

CORAM:
MR. JUSTICE R.K. PATTANAIK

ORDER
27.10.2026

Order No.

01. 1. Heard Mr. Das, learned counsel for the petitioner and Mr. Parhi, learned ASC for the State.

2. Instant writ petition has been filed by the petitioner for a direction to opposite party No.2 to reconsider claim for promotion to the Senior SES Cadre and to post her as a Headmistress in any Government High School from the date when juniors received promotion with effect from 2nd June, 2026 and to grant all consequential service and financial benefits as admissible within a stipulated period as would be fixed by the Court.

3. Mr. Das, learned counsel submits that the petitioner was appointed in the aided institution subsequently promoted vide Anneuxre-3 and was brought into the cadre of Junior SES vide Annexure-2. The further submission is that earlier promotion to the Senior SES cadre could not take place on account of medical condition of the petitioner in view of

Annexure-4. The submission is that the promotion of the petitioner was considered but she could not avail the same because of the illness revealed from Annexure-8. The further submission is that the said unwillingness of the petitioner was not approved and later to the same, when she was fit for availing promotion, a representation was made as per Annexure-5 series and it was duly forwarded by the DEO, Jajpur on 12th February, 2025. The submission is that it was not considered by opposite party No.2 vide Annexure-7. Mr. Das, learned counsel submits that despite the case of the petitioner was recommended, promotion was not given to her, whereas, allowed in favour of others vide Annexure-7. The submission is also that since the unwillingness to avail promotion did not receive the approval of the Authority concerned, in view of the decision in **Panchanan Behera Vrs. State of Odisha and others** in W.P.(C) No.10214 of 2014 as at Annexure-9, the petitioner should be given such promotion to the Senior SES cadre and while claiming so, she has approached opposite party No.2 with the representation i.e. Annexure-10.

4. Recorded the response of the State.

5. From Annexure-4, it is made to understand that the petitioner did not avail the promotion on health grounds. It is claimed that there has been no approval of such unwillingness on the part of the petitioner to avail the promotion. Referring to the decision in **Panchanan Behera** (supra), it is further claimed that when there has been no approval of such unwillingness to

the promotion of the petitioner, hence, it was for the opposite party No.2 to consider her promotion while dealing with the representation dated 11th June, 2026 at Annexure-10. In **Panchanan Behera** (supra), this Court while considering demand for promotion by a junior on the ground that a senior has not availed promotion held and concluded that since such unwillingness to the promotion by the latter had not received approval, therefore, the claim to such promotion by the former is not permissible and hence, upheld the decision of the Tribunal and dismissed the writ petition. Considering the submissions of learned counsel for the respective parties and in view of the decision in **Panchanan Behera** and recording the claim that such unwillingness to the promotion by the petitioner has not received approval of the Authority concerned, this Court is inclined to direct opposite party No.2 to immediate consider her promotion to the Senior SES cadre pleaded in the meantime in view of the representation dated 11th June, 2026 (Annexure-10) and to pass appropriate order thereon preferably within a period of eight weeks from the receipt of a copy of this order and accordingly, it is directed.

6. In the result, the writ petition stands disposed of with the direction as aforesaid for compliance by opposite party No.2 within the stipulated period without fail.

Issue urgent certified copy of this order as per rules.

(R.K. Pattanaik)
Judge

Signature Not Verified
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Reason: Authentication
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Date: 29-Oct-2026 13:07:22

T.Tudu