IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) No.32816 of 2026
CNR No. ODHC010760402026

Sanjib Kumar Sahu …. **Petitioner**
Mr. P.K. Chand, Advocate

-Versus-

State of Odisha and others …. **Opposite Parties**
Mr. Subha Bikash Panda, AGA

CORAM:
MR. JUSTICE R.K. PATTANAIK

ORDER
28.10.2026

Order No.

01. 1. Heard Mr. Chand, learned counsel for the petitioner and Mr. Panda, learned AGA for the State.

2. Instant writ petition has been filed by the petitioner challenging the impugned decision by order as at Annexure-7 and to direct the opposite parties to grant him all consequential service benefits with effect from 1st September, 2007 as he was declared a junior teacher vide Annexure-4 and on such other grounds stated therein.

3. Mr. Chand, learned counsel submits that the petitioner joined as a Sikhsya Sahayak and become a Junior Teacher on completion of three years from the date of engagement. The further submission is that the petitioner was served with a show cause notice for his arrest in connection with a criminal case and in response to the same, explanation was offered by him. Without considering the explanation as per Annexure-6 to the show cause notice dated 3rd March, 2008 i.e. Annexure-5, the

petitioner was disengaged vide Annexure-7 as further submitted. Mr. Chand, learned counsel submits that the petitioner approached this Court in W.P.(C) No.7957 of 2008 and it was disposed of by order dated 30th September, 2008 at Annexure-8 to consider his representation dated 21st October, 2008 and in the meantime, he was reengaged by order dated 30th June, 2022 i.e. Annexure-11. The contention of Mr. Chand, learned counsel is that the past service record has not been taken into account despite an acquittal order in G.R. Case No.122 of 2007 dated 30th November, 2021. A copy of the said judgment is at Annexure-10 and claim is that the petitioner is entitled to all service benefits upon such re-engagement vide Annexure-11 since there has been no proper enquiry held before being disengaged vide Annexure-7 which is per se illegal. In support of the contentions put forth Mr. Chand, learned counsel cites the following decisions, such as, **Abhimanyu Mallick Vrs. State of Odisha & others** in W.P.(C) No.17307 of 2020 and **Niranjan Sethi Vrs. State of Odisha & others** in W.P.(C) No.9916 of 2020. The submission is that the petitioner's representation as per Annexure-12 is pending consideration without any decision taken thereon.

4. In response to the above, Mr. Panda, learned AGA would submit that such a plea of the petitioner on re-engagement in the year 2022 shall have to be examined by opposite party No.3 to whom the representation as per Annexure-12 is addressed to. It is further submitted that the judgment in G.R. Case No.122 of 2007 exonerating the

petitioner and others is not an honourable acquittal and therefore, rightly the objection to consider release of service benefits in his favour.

5. The plea of the petitioner is about disengagement without considering the explanation and any further enquiry held and simply with a show cause notice issued as per Annexure-5, hence, the decision dated 22nd April, 2008 as per Annexure-7 is bad in law. The decisions cited hereinabove are referred to with the submission of Mr. Chand, learned counsel that the entire exercise with the disengagement order dated 22nd April, 2008 cannot be sustained in law and hence, the petitioner is entitled to all the service benefits with the past record consequent upon the re-engagement as per Annexure-11. This Court considering the objection of the State with reference to the judgment at Annexure-10 claiming that it is not an honourable acquittal but benefit of doubt has been extended to the accused persons therein including the petitioner, this Court, having regard to the fact that there has been a disengagement simply upon receiving explanation from him i.e.Annexure-6, opposite party No.3 is required to consider release of service benefits taking into account the service record while dealing with the representation i.e. Annexure-12 having regard to the decisions in **Abhimanyu Mallick** and **Niranjan Sethi** (supra) followed by an order in that regard at the earliest.

6. Accordingly, it is ordered.

7. In the result, the writ petition stands disposed of with a direction to opposite party No.3 to immediately attend to Annexure-12 and examine the plea of the petitioner with reference to the case laws cited and also acquittal order besides the objection of the State and to take a decision whether to revisit the decision of disengagement vide Annexure-7 so as to consider extending service benefits including the past service record followed by an order preferably within a period of six weeks from the date of receipt of a copy of this order.

8. Issue urgent certified copy of this order as per rules.

(R.K. Pattanaik)
Judge

T.Tudu

Signature Not Verified
Digitally Signed
Signed by: THAKURDAS TUDU
Reason: Authentication
Location: OHC,CTC
Date: 03-Nov-2026 14:10:10