IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.32854 of 2026
(CNR No. ODHC010777432026)

Nirupama Sahoo .... **Petitioner**

Mr. B. Routray, Sr. Advocate
along with Mr. N. Nayak, Advocate

-Versus-

State of Odisha and others .... **Opposite Parties**

Mr. S. B. Panda, AGA

CORAM:
MR. JUSTICE R.K. PATTANAIK

ORDER
28.10.2026

Order No.

02. 1. Heard Mr. Routray, learned Senior Advocate appearing for the petitioner and Mr. Panda, learned AGA for the State.

2. Instant writ petition is filed by the petitioner challenging the impugned decision by order dated 5th September, 2026 as at Annexure-1 and to extend the scale of pay of Headmistress in her favour in view of the decision in **Ramachandra Sahoo Vrs. State of Odisha** in W.P.(OAC) No.3264 of 2017 confirmed by the Apex Court in SLP (Civil) Diary No.2874/2024 and on such other grounds stated.

3. The submission is that the petitioner's demand for extension for scale of pay of Headmistress has been declined being a fence-sitter and on account of delay. The submission of Mr. Routray, learned Senior Advocate is that the case of the petitioner is covered by the decision of this Court in **Ramachandra Sahoo** (supra). The further submission is that there can be no denial to extend the benefits in favour of the petitioner on any such ground in view of the Apex Court's

decision in **Lt. Col. Suprita Chandel Vrs. Union of India and others** in Civil Appeal No.1943 of 2022 decided on 9th December, 2024. Referring to the decision in **Ramachandra Sahoo** (supra) as at Annexure-3 series, it is submitted that State filed the SLP and it was dismissed by order dated 8th April, 2024 and reiterated that the benefit of salary is to be given on completion of seven years of service in view of the decision in **Pabitra Mohan Das and others Vrs. State of Orissa and others (2001) 2 SCC 480**. With such submissions as above, Mr. Routray, learned Senior Advocate contends that the decision vide Annexure-1 by the Government cannot be sustained in law.

4. Recorded the submission of Mr. Panda, learned AGA for the State justifying the decision of the Government and the order at Annexure-1.

5. In **Lt. Col. Suprita Chandel (supra)**, the Apex Court held that a citizen aggrieved by an action of the Government Department having approached the Court and obtained a declaration of law, others similarly situated ought to be extended the same benefit without the need for them to go to the Court referring to one of its earlier decisions in **Amrit Lal Berry Vrs. Collector of Central Excise, New Delhi and others (1975) 4 SCC 714**. It is profitable to extract the relevant observations of the Apex Court in **Lt. Col. Suprita Chandel** (supra) for better appreciation and the same are reproduced herein below:

> "14. It is a well settled principle of law that where a citizen aggrieved by an action of the government department has approached the court and obtained a declaration of law in his/her favour, others similarly situated ought to be extended the benefit without the need for them

to go to court. [See **Amrit Lal Berry vs. Collector of Central Excise, New Delhi and Others, (1975) 4 SCC 714**]

15. In **K.I. Shephard and Others vs. Union of India and Others, (1987) 4 SCC 431**, this Court while reinforcing the above principle held as under:

> "19. The writ petitions and the appeals must succeed. We set aside the impugned judgments of the Single Judge and Division Bench of the Kerala High Court and direct that each of the three transferee banks should take over the excluded employees on the same terms and conditions of employment under the respective banking companies prior to amalgamation. The employees would be entitled to the benefit of continuity of service for all purposes including salary and perks throughout the period. We leave it open to the transferee banks to take such action as they consider proper against these employees in accordance with law. Some of the excluded employees have not come to court. There is no justification to penalise them for not having litigated. They too shall be entitled to the same benefits as the petitioners."
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> (Emphasis Supplied)

6. Having regard to the plea of the petitioner and submissions of Mr. Routray, learned Senior Advocate and State's objection, this Court is inclined to hold that the petitioner is entitled to service benefits in view of the decision in **Ramachandra Sahoo** (supra) and therefore, the impugned order dated 5th September, 2026 as at Annexure-1 is liable to be interfered with and set aside.

7. Accordingly, it is ordered.

8. In the result, the writ petition stands allowed. As a necessary corollary, the impugned order at Annexure-1 of opposite party No.1 is hereby set aside with a direction to extend the Headmistress scale of pay in favour of the petitioner and such other service benefits as due and admissible to her concluding the above exercise at the earliest preferably within a period of eight weeks from the date of receipt of a copy of this order.

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

(R.K. Pattanaik)
Judge

Balaram

Signature Not Verified
Digitally Signed
Signed by: BALARAM BEHERA
Designation: Personal Assistant
Reason: Authentication
Location: OHC, CUTTACK
Date: 31-Oct-2026 18:18:05