IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P. (C) No.33841 of 2026
CNR No. ODHC010805352026

Jagannath Behera & others …. **Petitioners**
Mr. K.K.Swain, Advocate

-Versus-

State of Odisha & others …. **Opposite Parties**
Ms.S.Mohanty,ASC

CORAM:
MR. JUSTICE R.K. PATTANAIK

ORDER
28.10.2026

Order No.

01. 1. Heard Mr. Swain, learned counsel for the petitioners and Ms. Mohanty, learned ASC for the State.

2. Instant writ petition is filed by the petitioners for a direction to the opposite parties to regularize their services as regular teachers under the Scheduled Tribe and Scheduled Caste Development Department as per the Odisha Subordinate Tribal Welfare Education (Recruitment and Conditions of Service) Rules,1993 at par with Level-V (A)Assistant Teachers of the Elementary Cadre under the School and Mass Education Department w.e.f. 1st January, 2026 issued by the Government of Odisha in School and Mass Education Department, Bhubaneswar under Annexure-11 and all consequential service benefits extended to them from time to time within a stipulated period as would be fixed by the Court on the grounds stated.

3. Mr. Swain, learned counsel refers to the advertisement for the post of Sikhya Sahayaks at Annexure-1 and submits that the petitioners received engagement orders vide Annexure-2 series. The further submission is that the petitioners were declared as Junior Teachers under Carrier Advanced Scheme of Sikhya Sahayaks on contractual basis upon completion of three years of their satisfactory engagement vide Annexure-3. In the meantime, according to Mr. Swain, learned counsel, resolution was passed by the Government in Department of School and Mass Education as per Annexure-4 with the guidelines for engagement of Sikhya Sahayaks and it was followed by resolution dated 17th October, 2013 i.e. Annexure-5 by the ST & SC Development Department. Referring to the said resolution i.e. Annexure-5, the submission of Mr. Swain learned counsel is that the decision taken in the matters of engagement of Sikhya Sahayaks in School and Mass Education Department shall apply mutatis mutandis to the institutions looked after by the ST & SC Development Department, Government of Odisha. The submission is that the nomenclature of Sikhya Sahayaks was changed as Junior Teacher (Contractual) by Government's Notification dated 12th March, 2018 at Annexure-6 and re-designated as Junior Teacher (Schematic) by resolution dated 22nd August, 2023 at Annexure-7. It is contended that some of the Junior Teachers (Schematic) received engagement orders in the year 2024 vide Annexure-8 series and it was followed by a notification of the Government in School & Mass Education Department i.e.

Annexure-9 for their regularization extending notional service benefits up to 31st December, 2025. The said decision of the Government was challenged in W.P. (C) No. 19726 of 2026 and batch of cases, wherein, by order dated 2nd July, 2026 at Annexure-10, the notification dated 2nd April, 2026 i.e. Annexure-9 was directed not to be given effect to till the next date fixed as further submitted. According to Mr. Swain, learned counsel, in supersession of the said notification, it was followed by another vide Annexure-11 of the School & Mass Education Department, Government of Odisha and therein, the Junior Teachers (Schematic) engaged during the year 2023-24 and continuing in service were considered for regularization as Assistant Teachers Level-V (A) of the Elementary Cadre w.e.f. 1st January, 2026 subject to fulfillment of the prescribed conditions. The claim of the petitioners, as according to Mr. Swain, learned counsel, is that similar benefits as to regularization should be extended at par with Junior Teachers (Schematic) engaged during 2023-24 in primary and upper primary Schools as decided by the Government in School & Mass Education Department vide Annexure-11, however, no such decision has been taken in that regard.

4. Mrs. Mohanty, learned ASC for the State requests to respond to the claim of the petitioners with an adjournment. However, having regard to the recent notification i.e. Annexure-11 and in view of the resolution dated 17th October, 2013 at Annexure-5 to the effect that any such decision taken in respect of the Sikhya Sahayaks under School & Mass

Education Department to apply mutatis mutandis to the institutions under the ST & SC Development Department, this Court is inclined to dispose of the writ petition with a direction to opposite party No.1 to consider extending similar benefits to the petitioners for the following reasons.

5. The petitioners joined as Sikhya Sahayaks in the year 2022 as made to reveal from Annexure-2 series and have become Junior Teachers on completion of three years of satisfactory engagement as made to reveal from Annexure-3. Whereas the Junior Teachers (Schematic) joined in 2023-24 are considered for regularization before completion of two years of service with all benefits extended w.e.f. 1st January, 2026. In view of the above, the plea of the petitioners is that they have been discriminated and hence, should be treated at par with Junior Teachers (Schematic) in the lines of the notification dated 1st October, 2026 at Annexure-11. This Court finds justification towards such demand by the petitioners and therefore, recording the submissions of Mr. Swain, learned counsel for the petitioners and also the response of the State and hence is inclined to direct opposite party No.1 to immediately take a decision in extending similar benefits to the petitioners at par with the notification i.e. Annexure-11 at the earliest but within a stipulated period.

6. Accordingly, it is ordered.

7. In the result, the writ petition stands disposed of with the direction as aforesaid for compliance by opposite party No.1 soon after receiving a copy of this order preferably within a period of eight weeks from the date of such communication is received.

8. A certified copy of this order be issued as per rules.

(R.K. Pattanaik)
Judge

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Signature Not Verified
Digitally Signed
Signed by: KABITARANI MAJHI
Reason: Authentication
Location: OHC, Cuttack
Date: 03-Nov-2026 17:01:44