IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.35329 of 2026

CNR No.ODHC010836692026

Pravasini Sahoo

.... ***Petitioner***

Mr. S. P. Dash, Adv.

-versus-

State of Odisha & Ors.

.... ***Opposite Parties***

Mr. S. P. Das, ASC

CORAM:
JUSTICE BIRAJA PRASANNA SATAPATHY
ORDER
05.11.2026

Order No.

01. **1.** This matter is taken up through Hybrid Arrangement (Virtual/Physical) Mode.

2. On the oral prayer made by the learned counsel appearing for the Petitioner, he is permitted to delete Opposite Party No.3 from the cause title in Court today.

3. Heard learned counsel appearing for the Parties.

4. Petitioner has filed the present Writ Petition *inter alia* with the following prayer:-

> *"The Petitioner therefore humbly pray that Your Lordships would graciously be pleased to consider the facts stated above and issue Rule Nisi calling upon the Opp. Parties to show cause as to why the Opposite parties shall not be regularized the service of the Petitioner in the post of M.P.H.W. (F)/ANM by taking into the account from which the Petitioner was given the appointment, so also to pay her unpaid salary as per the time scale of pay from the date of his completion of 6 years of service and if the Opposite parties fail to show cause or show insufficient cause the said rule may be made absolute against the Opp.*

Parties and direction may kindly be issued to the Opp. Parties to regularized the service of the Petitioner in the post of M.P.H.W. (F)/ANM by taking into the account the date of her appointment as on 03.10.2012, so also to pay her unpaid salary as per the time scale of pay from the date of her completion of 6 years of service within a stipulated time period and allow the writ petition;

And/or issue appropriate writ/order/direction as this Hon'ble Court deems fit and proper in the circumstances;

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

5. It is contended that Petitioner while continuing as MPHW(F) on contractual basis, when was terminated illegally vide order dtd.07.04.2016, the matter was carried to this Court in WPC(OA) No.430 of 2017.

5.1. It is contended that this Court vide order dtd.17.01.2024 under Annexure-3, while quashing the order of termination observed and directed as follows in Para-8.2. of the order:-

***"8.2**. In view of such material irregularity which is apparent on the face of the record, this Court is inclined to quash the order of termination so passed against the Petitioner vide order dtd.07.04.2016 under Annexure-5. While quashing the same, this Court directs Opp. Party No. 1 to reinstate the Petitioner in her service. The break period of the service be regularized as due and admissible on such reinstatement of the Petitioner. Opp. Party No. 2 is directed to issue an order of reinstatement within a period of two (2) weeks from the date of receipt of this order. Petitioner is directed to produce a copy of this order before Opp. Party No. 1 for compliance."*

5.2. It is contended that the aforesaid order after being confirmed in the Writ Appeal, Petitioner though was re-engaged on contractual basis vide order dtd.29.06.2026 under Annexure-7, but in terms of the order passed under Annexure-3, the break period of service is yet to be regularized.

5.3. It is also contended that similarly situated MPHW(F) have got the benefit of regularization in the meantime. But because of the illegal order of termination, which was set aside by this Court, Petitioner was deprived to get the benefit of regularization.

5.4. It is further contended that in order to deprive the Petitioner to get the benefit of regularization, the break period of service has not yet been regularized in terms of the order passed by this Court on 17.01.2024 in W.P.(C) (OA) No.430 of 2017.

5.5. It is accordingly contended that Opposite Party No.3 be directed to regularize the break period of service of the Petitioner and Petitioner be regularized from the date of her juniors and / or batch mates have been so regularized.

6. Mr. S.P. Das, learned Addl. Standing Counsel for the State on the other hand contended that since Petitioner after being reinstated vide order

dtd.29.06.2026 under Annexure-7, has not raised any claim for claiming regularization of the break period of service and consequential regularization, before Opposite Party No.2, the Writ Petition is not maintainable.

7. Having heard learned counsel appearing for the Parties and considering the submissions made, it is found that Petitioner while continuing as MPHW(F) in terms of the order dtd.28.09.2012 so issued under Annexure-1, was disengaged vide order dtd.07.04.2016 under Annexure-2. Challenging the same, Petitioner approached this Court by filing WPC (OA) No.430 of 2017. The said writ petition was allowed by this Court vide order dtd.17.01.2024 under Annexure-3 with quashing of the impugned order dtd.07.04.2016, and with a further direction to regularize the break period of service of the Petitioner.

7.1. It is found that after dismissal of the Writ Appeal so filed by the State, Petitioner though has been reinstated vide order dtd.29.06.2026 under Annexure-7, but the break period of service has not yet been regularized. Since after dismissal of the Writ Appeal, Petitioner has been reinstated vide order under Annexure-7, it is the view of this Court that Opposite Party No.2 in terms of the order passed on 17.01.2024 should have regularized the break period of service.

7.2. Therefore, this Court while disposing the Writ Petition directs Opposite Party No.2 to regularize the break period of service and take consequential action to extend the benefit of regularization in favour of the Petitioner if as contended similarly situated MPHW(F) have been regularized in the meantime. This Court directs Opposite Party No.2 to complete the entire exercise within a period of two (2) months from the date of receipt of this order.

8. Accordingly, the Writ Petition stands disposed of.

(Biraja Prasanna Satapathy)
Judge

Subrat

Signature Not Verified
Digitally Signed
Signed by: SUBRAT KUMAR BARIK
Reason: Authentication
Location: HIGH COURT OF ORISSA, CUTTACK
Date: 10-Nov-2026 14:57:44