IN THE HIGH COURT OF ORISSA AT CUTTACK
WP(C) No. 36827 of 2026
CNR No. ODHC010843052026

Dusmanta Kumar Naik **.....** ***Petitioner***
Mr. S.K. Samal, Advocate

-versus-

State of Odisha & Ors. **.....** ***Opposite Parties***
Dr. P.P. Behera, ASC

CORAM:
THE HON'BLE MR. JUSTICE BIRAJA PRASANNA SATAPATHY
ORDER
12.11.2026

Order No. 01

1. This matter is taken up through hybrid mode.

2. Heard learned counsel appearing for the Parties.

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

> *"Therefore, in view of the above-said fact and circumstances, it is most respectfully prayed that this Hon'ble Court may graciously be pleased to issue notice to the 0pp. Parties and after hearing the parties may be pleased to direct the opposite parties, more particularly the Opposite party Nos. 1 to regularize the services of the petitioner as Pharmacist with effect from 29.05.2020 as per Rule 4 & 5 of Odisha Pharmacists (Method of Recruitment and Condition of Service) Rules 2019 in view of the order passed by the Hon'ble Supreme Court in SLP (C) No. 34586 of 2026 and to extend all the service and financial benefits to the petitioners within a reasonable time to be stipulated by this Hon'ble Court;*

And/or pass any other order as may be deemed just and proper in the circumstances of this case;

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

4. It is contended that claim of the Petitioner is covered by an order passed by this Court in a batch of Writ Petition so reported in 2024 (II) ILR, Cuttack-642 ***(Amaresh Behera & Ors. vs. State of Odisha & Ors.)***, further confirmed with dismissal of the Writ Appeals in Writ Appeal No.9 of 2025 & batch vide order dtd.07.05.2026, relying on the order passed in W.A. No.1323 of 2023 ***(State of Odisha vs. Chhabindra Kumar Samal)*** disposed of on 02.07.2025.

4.1. It is also contended that order passed in the Writ Appeal in the aforesaid batch, were challenged by the State by filing different Civil Appeals, the main one in the case of ***State of Odisha vs. Chhabindra Kumar Samal***. Hon'ble Apex Court while not interfering with the order, observed as follows, so reflected in Para-15:-

"15. In view of the above, we are not inclined interfere with the impugned orders passed by the High Court. However, it is made clear that such contractual pharmacists working in the Mobile Health Unit/Team who had not completed six (06) years of contractual service as on 27th November 2020 shall be governed under the amendment dated 27th November 2020."

4.2. It is accordingly contended that since the issue has already attained its finality before the Apex Court in the case of ***Chhabindra Kumar Samal*** so cited (supra), Petitioner's claim is required to be considered in terms of the said decision.

5. Learned Addl. Standing Counsel for the State however contended that since Petitioner has not yet raised any grievance, the writ petition is premature and not entertainable.

6. Having heard learned counsel appearing for the Parties and considering the submissions made, this Court while disposing the writ petition, permits the Petitioner to move Opp. Party No. 1 within a period of three (3) weeks hence for consideration of his claim.

6.1. It is observed that, if any such application is moved before Opp. Party No. 1 within the aforesaid time period, the said Opp. Party shall do well to take a lawful decision on the same by following the decision of the Apex Court in the case of ***Chhabindra Kumar Samal***, if applicable as expeditiously as possible preferably within a period of three (3) months from the date of receipt of such application with due communication to the Petitioner.

7. Accordingly, the Writ Petition stands disposed of.

(BIRAJA PRASANNA SATAPATHY)
Judge

Sipra

Signature Not Verified

Digitally Signed
Signed by: SIPRA MUDULI
Designation: Senior Stenographer
Reason: Authentication
Location: High Court of Orissa, Cuttack
Date: 13-Nov-2026 17:20:51