IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 36875 of 2026

(CNR No.ODHC010850022026)

Sabita Kumari Swain …. **Petitioner**

Mr. Sangram Jena, Advocate

-Versus-

State of Odish and others …. **Opposite Parties**

Mr. S.B. Panda, AGA

CORAM:
MR. JUSTICE R.K. PATTANAIK

ORDER
25.11.2026

Order No.

01. 1. Heard learned counsel for the respective parties.

2. Instant writ petition is filed by the petitioner for a direction to opposite parties to absorb her in terms of the Government Resolution dated 16th February, 2008 as at Annexure-3 and on such other grounds stated as in the meantime similar benefits have been extended to others vide Annexure-6 keeping in view the decision in **Benudhar Swain Vs. State of Odisha and others** in W.P.(C) No.23256 of 2015 disposed of on 10th September, 2025 followed by an order in **Adilaxmi Achary Vs. State of Odisha and others** in W.P.(C) No.37940 of 2021 disposed of on 4th April, 2024 and to consider regularization subsequent to engagement as Gana Sikhyak within a stipulated period.

3. The petitioner was initially engaged as Non-Formal Education Instructor in Gareijhuli Non-Formal Education

Centre under Polasara block in the district of Ganjam under the NFE Scheme and subsequently retrenched from service due to abolition of the said Scheme with effect from 31st March, 2001. The order of retrenchment is at Annexure-2 series. Mr. Jena, learned counsel submits that subsequent to the retrenchment of the Non-Formal Education Instructors, the Government Resolution dated 16th February, 2008 has arrived in view of the decision of the Government in the Department of School and Mass Education to reengage the Instructors retrenched due to the closure of the Scheme and it has been followed by Annexure-4, whereby, opposite party No.2, the Director, Elementary Education and also the State Project Director, OSEPA, Bhubaneswar were directed to furnish the number of retrenched employees for further course of action. Mr. Jena, learned counsel submits that one similarly retrenched employee received engagement order in the year 2011 vide Annexure-6. The claim is that in the meantime, in an identical case, this Court in **Benudhar Swain** (supra) directed absorption of the petitioner therein, who was also a retrenched employee under the Scheme and it has been followed by necessary correspondences between the Government and DEOs and BEOs vide Annexure-10 series. The claim is that the petitioner since similarly situated and was retrenched after having been engaged as Non-Formal Education Instructor and there having been exercise initiated vide Annexure-10 series and she having approached opposite party No.4 with representation to consider her engagement as Gana Sikhyak

and the same is pending orders, direction may perhaps be issued to the said Authority to take a decision extending similar benefits applying parity.

4. Referring to the decision in **Benudhar Swain** (supra), Mr. Panda, learned AGA for the State submits that the petitioner was retrenched nearly eighteen years before and she has approached the Authority recently with a representation as at Annexure-11 and therefore, it should not be entertained. The further objection is that the State had filed a counter affidavit in **Benudhar Swain** supra and seriously objected to any such absorption of the petitioner therein with a plea that he being a retrenched employee is not eligible for the benefits, as the claim was advanced after more than twenty years of such disengagement referring to an order dated 4th April, 2024 in the case of **Adilaxmi Achary**. In response to the above, Mr. Jena, learned counsel submits that similar stand was taken in **Benudhar Swain** (supra) referring to para-3 of the judgment therein dated 10th September, 2025.

5. Considering the above fact that even after more than twenty years, this Court in **Benudhar Swain** (supra) directed absorption of the petitioner therein considering the objection of the State that she is ineligible eligible to receive the benefits, this Court, taking judicial notice of the fact that necessary correspondences have been made by the Government with the opposite party No.2/DEOs/BEOs and in the meantime, the petitioner claims parity having approached opposite party No.4

with such a representation as at Annexure-11, with the objection of Mr. Panda, learned AGA noted down, is inclined to direct consideration of the same with a decision followed by an order at the earliest having regard to the fact that she is similarly situated and claims parity base on the decision in **Benudhar Swain** (supra).

6. Accordingly, it is ordered.

7. In the result, the writ petition stands disposed with the direction as aforesaid dealing with the representation of the petitioner as at Annexure-11 by opposite party No.4 for a decision thereon preferably within a period of six weeks from the date of receipt of a copy of this order regard being had to the case of **Benudhar Swain** of this Court.

8. Issue urgent certified copy of the order as per Rules.

(R.K. Pattanaik)
Judge

Alok

Signature Not Verified
Digitally Signed
Signed by: ALOK RANJAN SETHY
Reason: Authentication
Location: ORISSA HIGH COURT
Date: 26-Nov-2026 20:04:25