IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.36978 of 2026
(CNR No. ODHC0108684520260)

Relief Kumar Pradhan @ Rilif Kumar Padhan .... **Petitioner**

Mr. Satyajit Samal, Advocate

-Versus -

State of Odisha & Others .... **Opposite Parties**

Mr. Swayambhu Mishra, ASC

CORAM:
MR. JUSTICE R.K. PATTANAIK

ORDER

Order No. **09.11.2026**

01. 1. Heard Mr. Samal, learned counsel for the petitioner and Mr. Mishra, learned ASC for the State.

2. Instant writ petition is filed by the petitioner for a direction to the opposite parties, in particular, opposite party No.3 to approve his appointment against the post of 4th Peon keeping in view the decision of the Apex Court in **State of Orissa and Others Vrs. Rajendra Kumar Das and another** (2003) 10 SCC 411 and to extend all other consequential benefits including salary etc. on the grounds stated.

3. The petitioner joined as a 4th Peon by order dated 10.04.1989 as per Annexure-1 series. Such appointment was made by opposite party No.3. But in the meantime, the School has been receiving Grant-in-Aid by the Government, as pleaded on record, by a resolution dated 5th September, 1995 w.e.f. 1st June, 1994. The petitioner had earlier approached this Court in W.P.(C) No. 17504 of 2006 and it was disposed of on 3rd April, 2007 vide Annexure-2 with a direction to take decision on the proposal sent by the

Managing Committee. It is made to reveal from the record that the Headmaster of Schools had recommended approval of the post of the petitioner vide Annexure-3 and in the meantime, there has been a representation as per Annexure-6 addressed to opposite party No.3. Since there has been no decision taken on such representation i.e. Annexure-5, the petitioner has once again knocked the portals of the Court seeking approval of the post with such other reliefs.

4. Mr. Samal, learned counsel submits that the petitioner shall have to be accommodated against any such vacancy consequent upon promotion of one of the Peon to the post of Daftary in view of the decision in **Rajendra Kumar Das** (supra). It is submitted that the petitioner having joined in 1989, the Government's Circular dated 8th July, 1981 by Education & YS Department is to apply, wherein, the standard strength of the staff of the Non-Government Secondary School is 'three' which has been subsequently modified in the year, 1992, whereby, the roll strength was increased to 500 from 100. It is submitted by Mr. Samal, learned counsel that the petitioner cannot be accommodated as 4th Peon but on account of a promotion taking place from one among the Peons, such as, Office Peon, Office Attendant, Night Watchman-cum-Sweeper to the post of Daftary, as against the consequential vacancy, he is to be accommodated in view of the decision of the Apex Court in **Rajendra Kumar Das** (supra). The submission is that even though there has been a recommendation in the year 2004 and in the meantime, the School has been receiving Grant-in-Aid in 1994, as there has been no simultaneous motion vis-à-vis promotion to the post of Daftary in order to accommodate the petitioner against the consequential vacancy, a direction is

required to be issued to opposite party No.3 to take a decision on approval of the post in terms of the decision (supra).

5. Recorded the submission of Mr. Mishra, learned ASC for the State.

6. As per the Circular dated 8th July, 1981 of the Government on fixation of standard staff the Non-Government Secondary Schools, three post of Peons are admissible and where the roll strength of the Schools exceeds 100, one post of the Daftary is allowed but the petitioner was appointed as a 4th Peon and in view of the decision in **Rajendra Kumar Das** (supra), such a post carries higher scale of pay and also a promotional position meant for Class-IV employees and therefore, he holding any such post of 4th Peon could not have been approved but having regard to the decision therein that simultaneous motion for promotion and accommodation against consequential vacancies should be considered, this Court is of the view that the case of the petitioner in terms thereof should have been thought of in the meantime, even though, the School has been receiving Grant-in-Aid by the Government. Having regard to the above facts and submissions of learned counsel for the respective parties and since the petitioner has approached opposite party No.3 with a representation as per Annexure-6, having regard to the decision of the Apex Court in **Rajendra Kumar** (supra), this Court, taking judicial notice of the fact that the directions therein have been complied with by the Government vide Annexure-4 in the year 2008 and there has been inordinate delay in such an exercise which was deprecated in **Prasanna Kumar Rout Vrs. State of Odisha & others** MANU/OR/0728/2017, is inclined to direct opposite party No.3 to

forthwith consider such grievance and to take a decision towards approval of his appointment against consequential vacancy consequent upon promotion of any of the Office Peons to the post of Daftary thereby concluding the exercise at the earliest preferably within a period of eight weeks from the date of receipt of a copy of this order.

7. Accordingly, it is ordered.

8. In the result, the writ petition stands disposed of with the direction as aforesaid for compliance by opposite party No.3 within the above stipulated period without further delay.

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

(R.K. Pattanaik)
Judge

Narayan

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