**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**W.P.(C) No.37021 of 2026**
**(CNR No.ODHC010871472026)**

**Bideshi Sahu** …. **Petitioner**

Mr. S.K. Mishra, Advocate

-Versus-

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

Mr. J.K. Bal, AGA

**CORAM:**
**MR. JUSTICE R.K. PATTANAIK**

**ORDER**
**09.11.2026**

**Order No.**

01. 1. Heard Mr. Mishra, learned counsel for the petitioner and Mr. Bal, learned AGA for the State.

2. Instant writ petition is filed by the petitioner seeking a direction to the opposite parties to appoint him as a Physical Education Teacher as against 41 vacancies as similarly placed persons have been appointed in the year 1997 basing upon the order passed by the Tribunal in O.A. No.3281(C) of 1997 as at Annexure-3 and to release all the consequential service benefits in his favour modifying the impugned order dated 30th April, 2026 as at Annexure-5 considering the representation i.e. Annexure-6 on the grounds stated.

3. The petitioner received appointment as per Annexure-2 and referring to Annexure-3 i.e. order dated 22nd October, 1997 in O.A. No. 3281(C) of 1997, Mr. Mishra, learned counsel submits that by order dated 22nd October, 1997 therein, the order of appointment of the last candidate in the category of

SEBC (Male) be subject to the final result of the O.A. and it was followed by the judgment dated 10th December, 2007 as at Annexure-4, but the benefits was extended notionally to her w.e.f. 10th December, 2007 in view of Annexure-5 instead of 22nd September, 1997 and hence, claiming the same approached opposite party No.2 with a representation i.e. Annexure-6, which is required to be considered in terms of the decision in the O.A. and **Purushottam Vrs. Chairman, M.S.E.B and another (1999) 6 SCC 49**.

4. In course of hearing, Mr. Mishra, learned counsel for the petitioner cites one more decision in **Union of India & others Vrs. N.R. Parmar** in C.A. No.7514-7515 of 2005 disposed of on 27th November, 2012 of the Apex Court while advancing the argument that the petitioner is entitled to IACPEd scale of pay from 1997.

5. Recorded the submission of Mr. Bal, learned AGA for the State.

6. Since the scale of pay in IACPED is claimed by the petitioner notionally and it has been allowed w.e.f. 10th December, 2007 and not from 22nd September, 1997 and such demand is made in terms of the decision of the Apex Court in **Purushottam** (supra) and in the meantime having approached opposite party No.2 vide representation i.e. Annexure-6, recording the objection of the State, this Court, without expressing anything on the merits of the alleged claim, is inclined to direct to the said Authority to examine it and pass

appropriate order in accordance with law, however, within a stipulated period.

7. Accordingly, it is directed.

8. In the result, the writ petition stands disposed of with the direction as aforesaid for compliance by opposite party No.2 dealing with and disposing of the representation as at Annexure-6 vis-à-vis the plea of the petitioner for IACPEd scale of pay receivable w.e.f. 22nd September, 1997 after modifying the order dated 30th April, 2026 at Annexure-5 followed by a decision at the earliest preferably within a period of six weeks from the date of receipt of a copy of the order.

9. Issue urgent certified copy as per rules.

**(R.K. Pattanaik)**
**Judge**

Alok

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Signed by: ALOK RANJAN SETHY
Reason: Authentication
Location: ORISSA HIGH COURT
Date: 16-Nov-2026 16:18:19