IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) No.38395 of 2026
CNR No. ODHC010899192026

Sushanta Kumar Sahu .... ***Petitioner***
Mr. G.R. Sethi, Adv.

-versus-

State of Odisha & Anr. .... ***Opposite Parties***
Mr. S. Das, ASC

COROM:
THE HON'BLE MR. JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER
25.11.2026

Order No

01. **1.** This matter is taken up through Hybrid Mode.

2. Heard learned counsel for Petitioner and learned counsel for the State-Opposite Parties.

3. The present Writ Petition has been filed *inter alia* with the following prayer:-

> *"In view of the facts and circumstances stated above, it is most respectfully prayed that this Hon'ble Court may be pleased to issue a writ of mandamus directing the Opp. Parties to expunge the overall "Below Average" grading and the adverse remarks in the Performance Appraisal Report of the petitioner for the period 01.04.2021 to 31.03.2022, communicated under D.O. Letter No. 9397 and Memo No. 9398 dated 02.06.2025 (Annexure-4).*
>
> *And further be pleased to issue a writ of mandamus directing the Opp. Parties to place the case of the petitioner before a Review DPC and to consider him for promotion to the post of Assistant Civil Supplies Officer. And further be pleased to direct the Opp.Parties to grant all consequential benefits.*

Or/And pass any other order or orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.

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

4. It is contended that again the adverse PAR communicated on 02.06.2025 under Annexure-4, Petitioner though filed his representation under Annexure-6 on 12.06.2025, but when no action was taken, Petitioner moved Opp. Party no.1 under Annexure-7 on 07.08.2025.

4.1. It is contended that on the face of such representation made under Annexures-6 and 7, when no decision was taken, Petitioner lastly made a representation under Annexure-12 before Opp. Party No.1 with a prayer to expunge the adverse PAR on 31.10.2026. It is contended that even though representation made by the Petitioner to expunge the adverse PAR is pending, but Opp. Party No.1 is not taking any decision on the same till date.

4.2. It is further contended that the issue is covered by an order passed by this Court in W.P.(C) No.1801 of 2024 so decided by this Court in its judgment dated 23.06.2026.

4.3. It is accordingly contended that Opp. Party No.1 be directed to take a decision on such last grievance made by the Petitioner under Annexure-12, taking into account the judgment delivered in W.P.(C) No.1801 of 2024.

5. Learned ASC has no serious objection to the course of action proposed by the learned counsel appearing for the Petitioner.

6. As agreed by learned counsel for the parties and after going through the records, this Court, without expressing any opinion on the merits of the case, disposes of the Writ Petition directing Opposite Party No.1 to consider the representation filed by the petitioner under Annexure-12 in accordance with law within a period of three (3) months from the date of production of certified copy of this order.

7. Opp. Party No.1 is further directed to take into consideration the decision in W.P.(C) No.1801 of 2024, if the same is applicable to the Petitioner's claim. Petitioner is directed to provide a copy of this order along with the judgment in W.P.(C) No.1801 of 2024 before Opp. Party No.1, for compliance.

Accordingly, the Writ Petition stands disposed of.

(Biraja Prasanna Satapathy)
Judge

Jyoti

Signature Not Verified
Digitally Signed
Signed by: JYOTIPRAVA BHOL
Reason: Authentication
Location: HIGH COURT OF ORISSA
Date: 26-Nov-2026 12:27:23