

(2026) 02 OHC CK 1756

In the Orissa High Court

Case No : Writ Petition (C) No. 34674 Of 2025

Narendra Kumar Swain And Others

APPELLANT

Vs

State Of Odisha & Others

RESPONDENT

Date of Decision : 24-02-2026

Acts Referred:

Constitution Of India, 1950 — Article 14, 226, 227

Citation : (2026) 02 OHC CK 1756

Hon'ble Judges : Ananda Chandra Behera, J

Bench : Single Bench

Advocate : B.Satapathy, Gyanalok Mohanty

Final Decision : Disposed Of

Judgement

A.C. Behera, J

1. This writ petition under Articles 226 and 227 of the Constitution of India, 1950 has been filed by the Petitioners praying for directing the Opposite Parties to consider the case of the Petitioners to engage them as Sikhya Sahayaks under the backlog vacancies in view of the direction passed in W.A. No.701 of 2019 between Babita Satpathy and others Vrs. State of Odisha and others within a stipulated time and to pass such order/orders and direction/directions as the Court may deem fit and proper.

2. The factual backgrounds of this writ petition, which prompted the Petitioners for filing of the same is that, the Petitioners are trained graduates and they have passed OTET examination and as such, they (Petitioners) have possessed required academic and training qualification to be engaged as Sikhya Sahayaks as per the guidelines of the Government in consonance with provisions of Right of Children to Free and Compulsory Education Act, 2009.

As such, they (Petitioners) have possessed the required qualifications as prescribed by the National Council for Teacher Education (NCT) to get appointments as teachers for imparting education to the students of Class-I to

Class-VIII.

As per the resolution of the Government, the Government of Odisha School and Mass Education Department made an advertisement on dated 26.12.2016 inviting the applications from the applicants to apply for Sikhya Sahayaks against the notified huge vacancies. As, the Petitioners had possessed required qualifications, they submitted their applications for the same.

But, their applications were rejected on the ground of their over age discriminating them (Petitioners) debarring them from getting appointment as Sikhya Sahayaks in spite of huge numbers of backlog vacancies.

When, several numbers of over age OTET passed graduates like the Petitioners were allowed to be considered to get appointments as Sikhya Sahayaks against the vacancies in view of the judgment dated 23.12.2020 passed in W.A. No.701 of 2019 between Babita Satpathy and others Vrs. State of Odisha and others along with two other writ appeals with the same, then, the Petitioners approached this Court by filing this writ petition praying for directing the O.Ps to consider their case at par with the applicants/Petitioners in the above disposed of W.A. No.701 of 2019 along with two other writ appeals with the same.

3. I have already heard from the learned counsel for the Petitioners and the learned Standing Counsel for the State.

4. During the course of hearing of this writ petition, the learned counsel for the Petitioners submitted the judgment dated 23.12.2020 passed in writ appeal vide W.A. No.701 of 2019 between Babita Satpathy and others Vrs. State of Odisha and others, judgment dated 19.12.2025 passed in batch of writ petitions in W.P. (C) No.32208 of 2023 between Dhaneswar Das and others Vrs. State of Odisha and others, the judgment dated 20.01.2026 passed in W.P.(C) No.4966 of 2025 between Ratnakar Nayak Vrs. State of Odisha and others, the judgment dated 19.02.2026 passed in batch of writ petitions in W.P.(C) No.8167 of 2025 between the Santosh Kumar Panigrahi and others Vrs. State of Odisha and others and the judgment dated 20.02.2026 passed in W.P.(C) No.33379 of 2022 between the Tanmaya Kumar Patra and others Vrs. State of Odisha and others contending for disposing of this writ petition passing similar judgment like the judgments passed in the above disposed of writ appeals and writ petitions, as the Petitioners are similarly placed with the Petitioners in the above disposed of writ appeals and writ petitions.

5. It appears from the judgments of the above disposed of writ appeals and writ petitions that, the Petitioners of this writ petition are similarly placed with the Petitioners of the above disposed of writ petitions. Because, the applications of the Petitioners of the above disposed of writ petitions for Sikhya Sahayaks were rejected by the O.Ps on the ground of their over age like the Petitioners in this present writ petition and taking their grievances into account, the judgments in the above writ appeals and writ petitions were passed directing the Opposite Parties for the engagement of the Petitioners thereof as Sikhya Sahayaks or in

any other equivalent posts against the unfilled vacancies.

6. When, the Petitioners in this writ petition are similarly placed with the Petitioners in the aforesaid disposed of writ appeals and writ petitions, then, as per law, the judgment in this writ petition is required to be passed alike with the judgments of the aforesaid disposed of writ appeals and writ petitions.

Because, it is the settled propositions of law that, like cases are to be decided alike and similarly placed applicants/Petitioners are entitled to get equal treatment from the Court without any discrimination.

7. On this aspect, the propositions of law has already been clarified in the ratio of the following decisions:-

(i) In a case between Ardhendu Sekhar Rath and another Vrs. State of Odisha & Others reported in 2019 (2) OJR 491 that,

Article 14 of the Constitution of India, 1950 prescribes equality before law, law should be deal alike with all in one class; that there shall be equality of treatment under equal circumstances, which means "that equals should not be treated unlike and unlikes should not be treated alike, likes should be treated as alike".

(ii) In a case between Dkshin Haryana Bijli Vitran Nigam and others Vrs. Bachan Singh reported in AIR 2009 (SC) 2745 that,

As per Article 14 of the Constitution of India, 1950 is that, all persons similarly placed shall be treated alike, both in privileges conferred and liabilities imposed. Equal laws would have to be applied to all in the same situation without any discrimination.

8. So, by applying the principles of law enunciated in the ratio of the aforesaid decisions, it is held that, the Petitioners in this writ petition being equal to the Petitioners with the above disposed of writ appeals and writ petitions, they (Petitioners) are entitled to get equal treatment/judgment like them and the Court cannot discriminate between similarly situated persons, because, as per law, all persons similarly situated should be treated similarly.

Therefore, there is no other alternative for this Court, but, to dispose of this writ petition passing similar judgments, those were passed in the aforesaid earlier writ appeals and writ petitions, as the Petitioners in this writ petition are similarly situated like the Petitioners in the aforesaid disposed of writ appeals and writ petitions.

9. So, for the reasons assigned above, this writ petition filed by the Petitioners is to be disposed of in the same lines of W.A. No.701 of 2019, W.P.(C) No.32208 of 2023, W.P.(C) No.4966 of 2025, W.P.(C) No.8167 of 2025 and W.P.(C) No.33379 of 2022 respectively.

10. Therefore, this writ petition filed by the Petitioners is allowed giving liberty to

all the Petitioners in this writ petition to submit their representations annexing relevant documents relating to their qualifications before the O.P. No.1 for their engagements as Sikhya Sahayaks or any other equivalent posts with the certified copy of this judgment to consider and dispose of their representations similarly to the Applicants/Petitioners in W.A. No.701 of 2019, W.P.(C) No.32208 of 2023, W.P.(C) No.4966 of 2025, W.P.(C) No.8167 of 2025 and W.P.(C) No.33379 of 2022 respectively.

11. As such, this writ petition filed by the Petitioners is disposed of finally.