ORISSA HIGH COURT : CUTTACK

W.A. Nos.440, 468, 441, 446, 488, 489, 493, 536, 605, 606, 1210, 1211, 1213, 1214 of 2026
and
D-W.A. No.39849 of 2026

In the matter of an Appeal under Article 4 of
the Orissa High Court Order, 1948
read with
Clause 10 of the Letters Patent constituting
the High Court of Judicature at Patna
and
Rule 6 of Chapter-III and Rule 2 of Chapter-VIII
of the Rules of the High Court of Orissa, 1948

* * *

W.A. No.440 of 2026
(CNR No. ODHC01-016261-2026):

1. Sailesh Das
Aged about 46 years
Son of Niranjan Das
Resident of At: Biju Nagar, P.O.: Industrial Estate
Jharsuguda, District: Jharsuguda
Presently working as
Assistant Executive Engineer
UIRC, Sub-Division No.1, Mukhiguda
District: Keojhar.

2. Manas Kumar Behera
Aged about 45 years
Son of Mangaraj Behera
Resident of
At/P.O.: Nuapatna, Tigiria
District: Cuttack
Presently working as

Assistant Executive Engineer
In the Office of Chief Engineer
Prachi Division, Bhubaneswar
District: Khurda
At/P.O.: Bhubaneswar.

3. Jagatri Sethy @ Barik
Aged about 42 years
Son of Bishnu Chandra Sethy
At: Santipur, P.O.: Kantigadia
Barchana, District: Jajpur
Presently working as
Assistant Executive Engineer
In the Office of Chief Engineer HRD
T & CD, Bhubaneswar
District: Khordha.

4. Kadambini Bhoi
Aged about 43 years
Wife of Bikash Kumar Bhoi
Resident of At/P.O.: Khandeita
District: Cuttack
At present working as
Assistant Executive, Central Irrigation Circle
At/P.O.: Bhubaneswar
District: Khordha. ... Appellants
(Opposite party
Nos.6 to 9 in
the Writ Petition
(Civil) No.19884
of 2025).

-VERSUS-

1. State of Odisha
Represented through
Principal Secretary to Government
In Water Resources Department
At/P.O.: Bhubaneswar
District: Khordha.

2. Special Secretary to Government
General Administration and
Public Grievance Department
At/P.O.: Bhubaneswar
District: Khordha.

3. Principal Secretary to Government
ST & SC Development, Minorities and
Backward Classes Welfare Department
At/P.O.: Bhubaneswar
District: Khordha.

4. Engineer-in-Chief
Water Resources, Odisha
Bhubaneswar
At/P.O./P.S.: Bhubaneswar
District: Khordha.

5. Debasish Nayak
Aged about 48 years
Son of Late Krushna Chandra Nayak
At: Sikharpur Uppersahi
P.O.: College Square, P.S.: Chauliaganj
District: Cuttack
Working at present as
Assistant Engineer (Civil)
Under Office of Superintending Engineer
Rengali Right Canal Division No.7,
Chandikhol, Jajpur.

6. Chhatrapati Magar
At/P.O.: Panchapara
District: Jharsuguda
Presently working as
Assistant Engineer
In the Office of
Chief Engineer & Basin Manger
Lower Suktel Rroject
AT/P.O./District: Balangir.

7. Ashok Kumar Das
At/P.O.: Ranipatna

District: Balasore
Presently working as
Assistant Engineer
In the Office of
Chief Engineer & Basin Manger
Subamarekha & Budhabalanga Basin
At/P.O./District: Baleshwar. ... Respondents.

(Respondent Nos.1 to 4 were the Opposite Party Nos.1 to 4; Respondent No.5 was the petitioner and Respondent Nos.6 and 7 were the Opposite Party Nos.5 and 10 respectively the Writ Petition (Civil) No.19884 of 2025).

Counsel appeared for the parties:

For the Appellant	:	Mr. Surya Prasad Mishra, Senior Advocate Assisted by M/s. Soumya Mishra, G.N. Parida, Sakshi Rout, R.K. Agrawal, Saswat Mohanty Biswajit Sahoo, Advocates
For the Respondents	:	Mr. Saswat Das, Additional Government Advocate
For the Respondent No.5	:	Mr. Biswabihari Mohanty, Advocate
For the Intervenors	:	Dr. Binod Kumar Mishra, Advocate

W.A. No.468 of 2026

(CNR No. ODHC01-016524-2026):

1. Gobinda Chandra Mallick
Aged about 55 years
Son of Late Narotam Mallick

Presently working as
Assistant Executive Engineer, R.W.S & S and
Section Niali at
PO/P.S.: Niali, District: Kataka.

2. Manoj Behera,
Aged about 53 years
Son of Baishnav Charan Behera
Presently working as
Assistant Executive Engineer, RWS and S
Section Dasrathapur
At/PO/P.S: Dasrathpur
District: Jajpur. ... Appellants
(Opposite party
Nos.5 and 6 in
the Writ Petition
(Civil) No.9643
of 2025).

-VERSUS-

1. State of Odisha
Represented through
Principal Secretary to Government
of Housing and Urban Department
At: Kharabela Bhawan near Power House Road
District: Khordha.

2. State of Odisha
Represented through
Principal Section SC and ST Development
Department Minority and Backward Classes
Welfare Department
Lok Seva Bhawan
At/P.O.: Bhubaneswar
District: Khordha.

3. Engineering in Chief
Public Health (Urban), Odisha
At: 1st Floor, Unnati Bhawan
Satya Nagar, Bhubaneswar, Odisha.

4. Khirod Prasad Rout,
Aged about 46 years,
Son of Late Muralidhar Rout
At: Sitaleswar, Viaaul
District: Kendrapara
Presently working as Assistant Engineer
RWS and S Section Daringibadi
Under RWS and Division Phulbani.

5. Prasanta K Muduli,
Aged about 43 years
Son of Jaganath Muduli,
At/PO: Alipingal, P.S.: Nimapada,
District: Puri,
Working at present as
Assistant Engineer, GPH Section, Puri
Under GPH Division-1,
Bhubaneswar.

6. Trithabasi Pradhan
Aged about 44 years
Son of Raj Kishore Pradhan
At: Kulasahi, P.O.: Taradapada
P.S.: Jagatsinghpur
Presently working as Assistant Engineer
RWS and S Section Phiringia
Under RWS and Divisional Phulbani.

7. Himanshu Sekhar Parida
Aged about 46 years
Son of Hari Parida, Majhi Sahi
At/P.O./P.S.: Banarpal, District: Angul
Presently working as Assistant Manager (Estimator)
WATCO Division, Keonjhar.

8. Prabhat Kumar Panda
Aged about 46 years
Son of Gopinath Panda
At: Kalasnadhapur, *Via*: Aska
District: Ganjam
Presently working as Assistant Project Engineer
OWSSB, Unnati Bhawan, Satya Nagar
Bhubaneswar, District: Khordha.

9. Bibhuti Kumar Kissan
Presently working as RWS and S Section
At/PO: Thuamul, Rampur,
District: Kalahandi.

10. Mangal Singh
Presently working as Assistant Manager
WATCO Section
At/PO: Dhancipalei
District: Sambalpur.

11. Sasibhusan Naik
At/P.O.: Panchapara
Presently working as Assistant Engineer
RWS and S Section,
At/PO: Chitrakonda,
District: Malkangiri. ... Respondents.
(Respondent Nos.9 to 11 were the Opposite Party Nos.4, 7 and 8; respectively the Writ Petition (Civil) No.9643 of 2025).

Counsel appeared for the parties:

For the Appellants	:	Mr. Asok Mohanty, Senior Advocate Assisted by M/s. Lopamudra Pradhan, Soumya Subha Darshini Mohanty, Advocates
For the Respondent Nos.1 to 3	:	Mr. Saswat Das Additional Government Advocate
For the Respondent Nos.4, 5, 6 and 8	:	Mr. Budhadev Routray, Senior Advocate assisted by Mr. Jagdish Biswal, Advocate
For the Respondent No.7	:	Mr. Gautam Misra, Senior Advocate

assisted by
Mr. Jyoti Ranjan Deo, Advocate

W.A. No.441 of 2026
(CNR No. ODHC01-019298-2026):

1. Sujata Samal
Aged about 42 years
Daughter of Gangadhar Samal
Resident At: Azimabad, PO: Shyamsundarpur
District: Balasore
Presently working as
Assistant Executive Engineer
PH Section-IV
District: Balasore.

2. Prasad Kumar Samantray,
Aged about 50 years
Son of Kartik Chandra Behera
Resident of
At.: Biswali, PO: Bhutmundai
District: Jagatsinghpur-754141
Presently working as
Assistant Executive Engineer
RWS and S Wing under
PR & DW Department.

3. Dharmendra Sethi,
Aged about 49 years
Care of Kameswar Sethi
Residing at
P.O.: Guhaldangri, Via: Gorumohisiani,
District: Mayurbhanj,
Presently working as
Assistant Executive Engineer
RWS and S Wing under
PR and DW Department.

4. Namita Behera
Aged about 43 years
Daughter of Sanyasi Behera,
Resident of At: Padmini Vihar,
Phase-7, P.O.:Kotasahi,

Tangi-754022, District: Kataka
At present working as
Assistant Executive Engineer, RWS and S Wing
under PR & DW Department.

5. Sanghamitra Priyadarshini,
Aged about 43 years
Daughter of Khirod Kumar Majhi
At: Basant Colony, Qr. No.BE-46,
Uditnagar, Rourkela,
District: Sundargarh,
Presently working as
Assistant Executive Engineer
RWS and S Wing under
PR and DW Department.

6. Suresh Chandra Kishan,
Aged about 43 years
Son of Daya Kisan,
At/PO: Jharsuguda, Unit-III,
Debadihi near Sidhanshnagar L.N. College,
District: Jharsuguda-768202,
Presently working as
Assistant Executive Engineer
RWS and S Wing under
PR and DW Department ... Appellants
(Opposite party Nos.8, 4 to 7 and 12 in the Writ Petition (Civil) No.18965 of 2025).

-VERSUS-

1. State of Odisha
Represented through
Principal Secretary to Government
of Housing and Urban Development Department
At: Lok Seva Bhawan, Bhubaneswar
District: Khordha.

2. State of Odisha
Represented through

Principal Secretary, ST & SC Development
Minorities and Backward Classes
Welfare Department,
At/P.O.: Bhubaneswar
District: Khordha.

3. Engineering-in-Chief
Public Health (Urban), Odisha
At: 1st Floor, Unnati Bhawan
Satya Nagar, Bhubaneswar, Odisha.

4. Pradipta Chandra Deo,
Aged about 59 years,
Son of Late Krupasindhu Binabana Deo,
Presently working as Assistant Engineer
RWS and S Section Mahanga,
RWS and S Division, Kataka, Kataka-4.

5. Snigdha Satpathy,
Aged about 45 years
Care of Pramodbihari Pati,
Presently working as
Assistant Engineer, Estimator
RWS and S Division,
Kataka-4.

6. Elliza Mallik
Aged about 43 years
Care of Late Braja Kishore Mallick
Presently working as Assistant Engineer
RWS and S Division, Section Kataka Sadar
Mahanadi Vihar, Kataka-4.

7. Susmita Tripathy (B)
Aged about 45 years
Wife of Arun Kumar Mallik
Presently working as Assistant Engineer
RWS and S Circle, Bhubaneswar
District: Khordha.

8. Supriya Samantaray
Aged about 45 years
Wife of Arun Kumar Mallik
Presently working as Assistant Engineer

RWS and S Circle
Bhubaneswar, District: Khordha.

9. Nalini Satpathy
Aged about 42 years
Care of Nanda Kishore Dash
At/PO: Jhargaon, Via: Zincnajar Najar
District: Sundargarh
Presently working as Assistant Engineer
Estimator, RWS and S Division
District: Sundargarh.

10. Subir Kumar Maity
Aged about 52 years
Care of Late Haragobinda Maity
At/PO: Bhanjapur, Baripada
District: Mayurbhanj.

11. Subhashree Behera
Aged about 43 years
At present working as
Assistant Engineer, RWS and S Division
Bhubaneswar, District: Khordha.

12. Menaka Panigrahi
Aged about 51 years
At present working as
Assistant Engineer
Office of the EIC, RWS and S, Odisha
Jal 'O' Panimala Bhawan
Unit-5, Bhubaneswar
District: Khordha.

13. Gayatri Tripathy
Aged about 46 years
Assistant Engineer
Office of Additional Chief Engineer
P.H. Circle, Bhubaneswar
Unit-5, Bhubaneswar
District: Khordha.

14. Himanshu Sekhar Sa
Care of Rohit Sa
At: Badheimunda, PO: Kalimandir Road,

Jharsuguda,
Presently working as
Assistant Executive Engineer,
RWS and S Wing under PR and DW Department.

15. Robort Pradhan,
Son of Bisti Pradhan,
At: Kandapa, PO: Daringbadi,
District: Kandhamal,
Presently working as
Assistant Executive Engineer,
RWS and S Wing under PR and DW Department.

16. Bijaya Atti,
Son of Daya Kisan,
At/PO: Sudang, District: Jharsuguda,
Presently working as
Assistant Executive Engineer,
RWS and S Wing
Under PR and DW Department.

17. Ganeswar Singh,
Presently working as
Assistant Executive Engineer,
RWS and S Wing
Under PR & DW Department.

18. Narayan Sethi,
Presently working as
Assistant Executive Engineer,
RWS and S Wing
Under PR and DW Department.

19. Ram Chandra Hansda,
Presently working as
Assistant Executive Engineer,
RWS and S Wing
Under PR & DW Department.

20. Hilarus Tirkey,
Presently working as
Assistant Executive Engineer,
RWS and S Wing
Under PR & DW Department.

21. Udayanath Hembram,
Presently working as
Assistant Executive Engineer,
RWS and S Wing
Under PR & DW Department.

22. Deepak Kumar Pradhan,
Presently working as
Assistant Executive Engineer,
RWS and S Wing
Under PR & DW Department.

23. Romancha Kishan,
Presently working as
Assistant Executive Engineer,
RWS and S Wing
Under PR & DW Department.

24. Sujit Kumar Patra,
Presently working as
Assistant Executive Engineer,
RWS and S Wing
Under PR and DW Department.

25. Pitha Soren,
Presently working as
Assistant Executive Engineer,
RWS and S Wing
Under PR & DW Department.

26. Karan Soren,
Presently working as
Assistant Executive Engineer,
RWS and S Wing under
PR and DW Department. ... Respondents.

(Respondent Nos.1 to 3 were the Opposite Party Nos.1 to 3; Respondent Nos.4 to 13 were the petitioner nos.1 to 10 and Respondent Nos.14 to 16 were the Opposite Party Nos.9 to 11 and respondent Nos.17 to 26 were the

opposite party Nos.13 to 22
respectively the Writ
Petition (Civil) No.18965
of 2025).

Counsel appeared for the parties:

For the Appellants	:	Mr. Gautam Mukherji, Senior Advocate assisted by Mr. Aditya Pati, Advocate
For the Respondent Nos.1 to 3	:	Mr. Saswat Das, Additional Government Advocate
For the Respondent Nos.5, 6, 10 and 11	:	Mr. Budhadev Routray, Senior Advocate assisted by Mr. Jagdish Biswal, Advocate

W.A. No.446 of 2026
(CNR No. ODHC01-016470-2026):

1. Anil Bag,
Aged about 37 years,
Son of Bipin Bag,
At/P.O.: Katapali, P.S.: Bargarh,
Presently working as
Revenue Inspector
Under Tahasil: Bijepur, District: Bargarh.

2. Haripriya Badi,
Aged about 41 years,
Daughter of Daitari Badi,
At/P.O: Bishi Pada (Ward No. 7),
P.S.: Bargarh,
Presently working as
Revenue Inspector under Tahasil: Barpali,
District: Bargarh.

3. Thakit Kumar Naik,
Aged about 41 years,
Son of Kshetra Mani Naik,
At/P.O.: Sahaspur, P.S.: Laikera,

Presently working as Revenue Inspector
Under Tahasil: Paikmal,
District: Jharsuguda.

4. Sasmita Rani Kanta,
Aged about 39 years,
Daughter of Arjun Lal Kanta,
At/Po:Tora Adarsha Pada, PS: Bargarh,
Presently working as Revenue Inspector
Under Tahasil: Barpali,
District: Bargarh.

5. Madhuri Naik,
Aged about 36 years,
Wife of Lalit Naik,
At: Bhalukona, Po: Siallati, PS: Komna,
Presently working as Revenue Inspector
Under Tahasil: Paikmal,
District: Nuapada.

6. Sanjaya Bhoi,
Aged about 52 years,
Son of Bhikhari Chandra Bhoi,
At/Po: Kulunda, PS:Attabira,
Presently working as Revenue Inspector
Under Tahasil: Sohela,
District: Bargarh.

7. Reetesh Bhue,
Aged about 32 years,
Son of Keshaba Bhue,
At: Belbahali, PO: Routpada, PS: Bhatli,
Presently working as Revenue Inspector
Under Tahasil: Bhatli,
District: Bargarh.

8. Himanshu Sekhar Bishi,
Aged about 34 years,
Son of Premananda Bishi,
At: Sativata, Po: Purena, PS: Padampur,
Presently working as Revenue Inspector
Under Tahasil: Paikmal,
District: Bargarh.

9. Chandra Sekhar Kisan,
Aged about 37 years,
Son of Rameswar Kishan,
At: Goibahali, Po: Palsada, PS: Paikmal,
Presently working as Revenue Inspector
Under Tahasil: Bheden,
District: Bargarh.

10. Manjulata Paik,
Aged about 38 years,
Wife of Manoranjan Luha,
At: Debahal, Po: Janhapada, PS: Attabira,
Presently working as Revenue Inspector
Under Tahasil: Bargarh,
District: Bargarh.

11. Nilima Nag,
Aged about 40 years,
Daughter of Jonathan Nag,
At/Po: Tora, PS: Bargarh,
Presently working as Revenue Inspector
Under Tahasil: Attabira,
District: Bargarh.

12. Debasish Mahananda,
Aged about 41 years,
Son of Bendal Mahananda,
At: Kendamundi, Po: Rengali,
PS: Sohela,
Presently working as Revenue Inspector
Under Tahasil: Bheden,
District: Bargarh.

13. Sunil Kumar Nag,
Aged about 37 years,
Son of Jhasketan Nag,
At: Laxmipada, Po: Tora, PS: Bargarh,
Presently working as Revenue Inspector
Under Tahasil: Amabhona,
District: Bargarh.

14. Bibekananda Nag,
Aged about 45 years,

Son of Gobardhan Nag,
At/Po: Bishi Pada (Ward No. 7),
PS: Bargarh,
Presently working as Revenue Inspector
Under Tahasil: Attabira,
District: Bargarh.

15. Prasanna Kumar Badi,
Aged about 40 years,
Son of Pyarimohan Badi,
At: Amastala, Po: Larambha,
PS: Attabira,
Presently working as Revenue Inspector
Under Tahasil: Bargarh,
District: Bargarh.

16. Bedanta Bhue,
Aged about 32 years,
Son of Jadumani Bhue,
At: Beherapali, Po: Hatisar, PS: Bhatli,
Presently working as Revenue Inspector
Under Tahasil: Bheden,
District: Bargarh.

17. Bharati Meher,
Aged about 39 years,
Wife of Suresh Meher,
At/Po: Bargarh, PS: Bargarh,
Presently working as Revenue Inspector
Under Tahasil: Attabira,
District: Bargarh. ... Appellants
(Opposite party Nos.6 to 16 and 18 to 23 in the Writ Petition (Civil) No.13600 of 2025).

-VERSUS-

1. State of Odisha,
Represented through its Additional
Chief Secretary to Govt. of Odisha, Revenue and

Disaster Management Department,
Lok Seva Bhawan, Bhubaneswar,
District: Khordha.

2. State of Odisha,
represented through its Secretary,
ST & SC Development,
Minorities & Backward
Classes Welfare Department,
Lok Seva Bhawan (Odisha Secretariat)
Bhubaneswar- 751001.

3. State of Odisha,
represented through its Principal
Secretary, Department of Law,
Law Department, Lok Seva Bhawan,
Sachivalaya Marg, Bhubaneswar,
Odisha 751001.

4. The Collector & District Magistrate,
Bargarh, At/P.O/District: Bargarh.

5. Additional District Magistrate,
Bargarh, At/PO/District: Bargarh.

6. Shikharani Sarangi,
Aged about 34 years,
Daughter of Narayan Sarangi,
At- Khaliapli, District: Bargarh,
Presently working as Amin under
Barpali Tahasil.

7. Bimal Padhan,
aged about 35 years,
Son of Purnachandra Pradhan,
At: Muralipali Basti, Charpali,
P.S: Rengali, Jharsuguda,
Presently working as Amin under
The Tahasil of Attabira, Bargarh.

8. Sumit Kumar Raven,
Aged about 37,

Son of Sudhir Kumar Raven,
Katakiapada, Bargarh, P.O.: Bargarh,
District: Bargarh, 768028,
Presently working as Amin
Under the Tahasil of Attabira, Bargarh.

9. Rojeswari Sahu,
Aged about 35 years,
Daughter of Sushil Kumar Sahu,
Presently working as
Assistant Revenue Inspector under
The Bheden Tahasil.

10. Prabhat Ranjan Sahu,
aged about 40 years,
Son of Duguru Sahu,
Talmenda, Bheden,
Bargarh, 768103,
Presently working as
Assistant Revenue Inspector
under the Tahasil of Attabira,
Bargarh.

11. Golak Bihari Mallik,
At: Canalpada, Shaktinagar,
Post/District: Bargarh,
Presently working as Revenue Inspector
Under Tahasil Office Attabira. … Respondents.

(Respondent Nos.1 to 5 were the Opposite Party Nos.1 to 5; Respondent Nos.6 to 10 were the petitioner nos.1 to 5 and Respondent No.11 was opposite party no.17 the Writ Petition (Civil) No.13600 of 2025).

Counsel appeared for the parties:

For the Appellants	:	Mr. Gautam Mukherji, Senior Advocate assisted by Mr. Aditya Pati, Advocate
For the Respondent Nos.1 to 5	:	Mr. Saswat Das, Additional Government Advocate
For the Respondent Nos.6 to 10	:	Mr. Subir Palit, Senior Advocate assisted by Ms. Ananya Pradhan, Advocate
For the Intervenor	:	Mr. Rajib Rath, Advocate

W.A. No.488 of 2026
(CNR No. ODHC01-020334-2026):

1. Sri Janardan Majhi,
Aged about 58 years,
Son of late Bhagirathi Majhi,
At present working as
Assistant Executive Engineer (Civil),
In charge of Executive Engineer,
Head office,
Odisha Lift Irrigation Corporation,
Near Union Bank,
At:Nayapalli, Plot No:N-17/2,
Po:Nayapalli, Bhubaneswer,
District: Khurda, Pin: 751012.

(Opp. No.3 in the writ petition)

2. Dilip Sahoo,
Aged about 58 years,
Son of late Kanduri Charan Sahoo,
At preset working as
Assistant Executive Engineer (Civil)
Office of the Executive Engineer
Lift Irrigation Division, Cuttack,
At: Pratap Nagari,
PO: Telenga Pentha,
District: Cuttack, Pin: 754001.

3. Yudhistira Mahalik,

Aged about 58 years,
Son of late Trilochan Mahalik,
At present working as
Executive Engineer,
Lift Irrigation Division,
Jaipur Road,
At/PO: Dala, District: Jajpur,
Pin: 755019.

4. Seshadev Mahalik,
Aged about 58 years,
Son of Shyama Sundar Mahalik,
At present working as
Assistant Executive Engineer (Civil),
Office of the Executive Engineer,
Lift Irrigation Division,
Jajpur Road,
At/Po: Dala, Jajpur Road,
District: Jajpur, Pin:755019.

5. Nimain Charan Sethi,
Aged about 58 years,
Son of Uttam Charan Sethi,
At Present working as
Assistant Executive Engineer (Civil),
Office of the Executive Engineer,
Lift Irrigation Division, Kendrapara,
At/Po: Tinimuhani,
District: Kendrapara, Pin: 754211.

6. Bimbadhar Behera,
Aged about 58 years,
Son of Late Bhikari Behera,
At present working as
Assistant Executive Engineer (Civil),
Lift Irrigation Division, Berhampur,
At/Po: Berhampur, (1st Gate),
District: Ganjam, Pin:76004.

7. Mohan Behera,
Aged about 58 years,

Son of Late Yudhistira Behera,
At present working as
Assistant Executive Engineer (Civil),
Office of the Assistant Executive
Engineer, Lift Irrigation,
Sub-Division: Rayagada,
At/Po: Rayagada, District:Rayagada,
Pin: 765001.

8. Sukdev Bhoi,
Aged about 57 years,
Son of Late Uttam Bhoi,
At present working as
Assistant Executive Engineer, (Civil)
Office of the Executive Engineer,
Lift Irrigation Division, Baripada,
At/Po:Baripada,
District:Mayurbhanj, Pin-757002.

9. Ranjan Kumar Majhi,
Aged about 57 years,
Son of Mahendra Majhi,
At present working as
Assistant Executive Engineer, (Civil)
Office of the Executive Engineer,
Lift Irrigation Division, Bhubaneswar,
Near Power House Square,
Bhubaneswar, Pin:751012.

10. Kishore Chandra Mahalik,
Aged about 58 years,
Son of Late Gadadhar Mahalik,
At present working as
Assistant Executive Engineer, (Civil)
Office of the Executive Engineer,
Lift Irrigation Division, Baragada,
Near Collectoriat Office,
Baragada Word No-9,
District: Baragada, Pin -768028.

11. Srikanta Rout,

Aged about 58 years,
Son of Sri Bhaskar Sethi,
At present working as
Assistant Executive Engineer, (Civil)
Office of the Executive Engineer,
Lift Irrigation Division, Baragada,
Near Collectoriate Office,
Baragada Word No-9,
District: Baragada, Pin-768028.

12. Budhurai Sange Shamad,
Aged about 53 years,
Son of Late Laxman Sange Shamad,
At present working as
Assistant Executive Engineer, (Civil)
Office of the Executive Engineer,
Lift Irrigation Division, Keonjhar,
At/Po: Dhurpada,
District:Keonjhar,
Pin:758013. ... Appellants

-VERSUS-

1. Sri Ajay Kumar Mohakud,
Aged about 59 years,
Son of Daksheswar Mohakud,
At present working as
Executive Engineer (I/C) (Civil),
Lift Irrigation Division, Berhampur,
District: Ganjam.

(Petitioner in W.P.
(C) No.5921 of 2026)

2. State of Odisha,
Represented through its
Principal Secretary Department of
Water Resources Department,
Govt. of Odisha,
At: Lokaseva Bhavan, Bhubaneswar,
District: Khordha.

3. Managing Director of
Odisha lift irrigation Corporation LTD,
A Govt. of Odisha
Under taking Plot No-17/2 Nayapalli,
Bhubaneswar-12,
District: Khordha.

4. Principal Secretary to Govt.,
SC & ST Development
Department Minority and Backward
Classes Welfare Department,
Lok seva bhawan,
At/Post: Bhubaneswar,
District: Khordha. ... Respondents

5. Sri Balaram Naik,
At present working as
Assistant Executive Engineer
in OLIC L.T.D Berhampur,
District: Ganjam. ... Proforma Respondents
. (Opposite party No.4 in the Writ Petition (Civil) No.5921 of 2026).

Counsel appeared for the parties:

For the Appellants : Mr. Asok Mohanty,
Senior Advocate
Assisted by
M/s. Lopamudra Pradhan,
Soumya Subha Darshini Mohanty,
Advocates

For the Respondent Nos.2 to 4 : Mr. Saswat Das
Additional Government Advocate

W.A. No.489 of 2026
(CNR No. ODHC01-016503-2026):

1. Pabitra Kumar Sahoo,
Aged about 53 years,
Son of late Panchanan Sahoo,

At: Srichandanpur,
Po:Banki, District: Cuttack,
PIN: 754008,
At present working as
Assistant Executive Engineer,
UILC Sub Division No.1
Dharmagarh under UI Left
Canel Division No-II,
Dharmagarh.

2. Debendra Sahoo,
Aged about 50 years,
Son of Balaram Sahoo,
At/Po: Alati, PS: Ramachandrapur,
District: Keonjhar,
At present working as
Assistant Executive Engineer,
Quality Control & Designs Division,
KIP, Basudevpur,
District: Keonjhar,
Pin:758043.

3. Jogendra Singh.
Aged about 52 years,
At: Nuasahi, PO: Sirathali,
puruna Baripada,
District: Mayurbhanj,
At present working as
Assistant Executive Engineer,
LC-Sub-Division No-iii,
Barapada under
LCD No.VII-Barapada,
District: Bhadrak.

4. Bijla Ekka,
Aged about 47 years,
At: Badanuagaon,
PO: Kansbahal, District: Sundargarh,
Present working as
Assistant Executive Engineer
CE and BM TEL Basin,

Bhawanipatna, Boudh Irrigation
Sub-Division, Boudh under
Boudh Irrigation Division, Boudh. ... Appellants
(Opposite party
Nos.6, 7, 9 and 10
in the Writ Petition
(Civil) No.19512
of 2025).

-*VERSUS*-

1. State of Odisha Government,
Represented through
Principal Secretary to Government
Lok Seva Bhawan
In Water Resources Department
At/P.O.: Bhubaneswar
District: Khordha.

2. Special Secretary to Government
General Administration and
Public Grievance Department
Lok Seva Bhawan
At/P.O.: Bhubaneswar
District: Khordha.

3. Principal Secretary to Government
ST & SC Development, Minorities and
Backward Classes Welfare Department
At/P.O.: Bhubaneswar
District: Khordha.

4. Engineer-in-Chief
Water Resources, Odisha
Bhubaneswar, Secha Sadan,
At/P.O./P.S.: Bhubaneswar
District: Khordha.

5. Manasi Das,
Aged about 45 years
Wife of Brajabandhu Jena,
At: Plot No.630, Mahanadi Vihar,
P.O.: Nuabazar, P.S.: Chauliaganj

District: Cuttack
Working at present as
Assistant Engineer (Civil)
Under Office of Superintending Engineer
Mahanadi Barrage Division,
Gandarpur, Kataka. ... Respondents

6. Ashok Kumar Das,
CCE and BM Subarnarekha and
Bhudhabalanga Basin
Presently working as
Assistant Executive Engineer
Sunei Irrigation Sub-Division,
Udala under Mayurbhanj
Irrigation Division, Baripada,
District: Mayurbhanj.

7. Subash Chandra Naik,
At: Khandia, PO: Kantapal,
CCE ABP Salapada,
Presently working as
Assistant Executive Engineer
Kalo Irrigation Sub Division,
Chuinposi under Mayurbhanj
Irrigation Division, Baripada
District: Mayurbhanj. ... Proforma Respondents.
(Respondent Nos.6 and 7
were the Opposite Party
Nos.5 and 8
the Writ Petition
(Civil) No.19512
of 2025).

Counsel appeared for the parties:

For the Appellants : Mr. Asok Mohanty,
Senior Advocate
Assisted by
M/s. Lopamudra Pradhan,
Soumya Subha Darshini Mohanty,
Advocates

For the Respondent Nos.1 to 4 : Mr. Saswat Das, Additional Government Advocate

For the Respondent No.5 : Mr. Biswabihari Mohanty, Advocate

W.A. No.493 of 2026

(CNR No. ODHC01-016107-2026):

1. Ashok Kumar Balabantaray,
Aged about 47 years,
Son of late Muralidhar Sethy,
resident of Village: Nahakpada,
PO: Daspalla, District: Nayagarh,
at present working as
Assistant Executive Engineer,
Mahanadi Barrage Gandarpur,
Cuttack- 753003,
District:Kataka

2. Pradeep Kumar Naik,
Aged about 48 years,
Son of Krushna Chandra Naik,
resident of Village/P.O.: Dhalpur,
District: Dhenkanal,
At present working as
Asst. Executive Engineer,
M.I Sub- Division, Kamakhyanagar,
At/PO- Kamakhyanagar,
District:Dhenkanal.

3. Tankadhar Behera,
Aged about 50 years ,
Son of Rama Chandra Behera,
resident of Kamakhyanagar
NAG Ward No.6, District: Dhenkanal,
At present working as
Assistant Executive Engineer,
Rengali Right Irrigation Project,
Dhenkanal Division No-2,
Dhenkanal,
District: Dhenkanal.

4. Bijala Ekka,
Aged about 46 year,
Son of Sukru Ekka,
At present working as
Assistant Executive Engineer,
Boudh Irrigation Sub-Division,
At/Post/District: Boudh. ... Appellants
(Opposite party
Nos.6, 7, 8 and 10
in the Writ Petition
(Civil) No.19487
of 2025).

-VERSUS-

1. State of Odisha,
Represented through
Principal Secretary to Government
In Water Resources Department
Loka Seva Bhawan, Sachivalaya Marg,
Bhubaneswar-751001,
District: Khordha.

2. Special Secretary to Government
General Administration and
Public Grievance Department
Loka Seva Bhawan, Sachivalaya Marg,
Bhubaneswar, 751001,
District: Khordha.

3. Principal Secretary to Government
ST & SC Development, Minorities and
Backward Classes Welfare Department
Loka Seva Bhawan, Sachivalaya Marg,
Bhubaneswar, 751001
District: Khordha.

4. Engineer-in-Chief
Water Resources, Odisha
Bhubaneswar, Rajib Bhawan,
Keshari Nagar,

Bhubaneswar, 751001
District: Khordha.

5. Mrutunjay Panda,
Aged about 58 years
Son of Late Sankarshan Panda,
At: Naranpur, PO: Belagachia
PS: Baranaga, District:Kataka
Working at present as
Assistant Engineer (Civil)
Under Office of Superintending Engineer
Rengali Right Canal Division No.4,
At/PO: Badamba,
District: Kataka. ... Respondents

(Respondent nos.1 to 4 were the opposite party nos.1 to 4 and respondent No.5 was the petitioner respectively in Writ Petition (Civil) No. 19487 of 2025)

6. Ashok Kumar Das,
At/PO: Rani Patana, Balasore
Presently working as
Assistant Executive Engineer
Sunei Irrigation Sub-Division,
Udala under Mayurbhanj
Irrigation Division, Baripada,
District: Mayurbhanj.

7. Lambodar Majhi,
At/PO: Kermei, Post: Kantapala,
District: Mayurbhanj,
Presently working as
Assistant Executive Engineer
Megalift Sub Division,
Kesinga under Megalift Project
Division, Bhawani Patna,

District: Kalahandi. ... Proforma Respondents.
(Respondent Nos.6 and 7
were the Opposite Party
Nos.5 and 9
the Writ Petition
(Civil) No.19487
of 2025).

Counsel appeared for the parties:

For the Appellants	:	Mr. Prafulla Kumar Rath, Senior Advocate Assisted by Ms. Sagarika Sahoo, Advocate
For the Respondent Nos.1 to 4	:	Mr. Saswat Das Additional Government Advocate
For the Respondent No.5	:	Mr. Bhabani Sankar Tripathy, Senior Advocate assisted by Mr. Biswabihari Mohanty, Advocate

W.A. No.536 of 2026
(CNR No. ODHC01-017260-2026):

1. Rajesh Kumar Khadia,
Aged about 31 years,
Assistant Section Officer,
School & Mass Education Department,
Government of Odisha,
State Secretariat, Bhubaneswar.

2. Gayatri Murmu,
working as
Assistant Section Officer,
GA & PG Department,
Government of Odisha,
State Secretariat, Bhubaneswar. ... Appellants
(Opposite party
Nos.7 and 9 in

the Writ Petition
(Civil) No.11039
of 2025).

-VERSUS-

1. Alok Maharana,
Aged about 32 years,
Son of Abhimanyu Maharana,
Residing at Qtr. No. E-146, Unit-8,
Bhubaneswar-751012.

2. Mousam Mohanty,
Aged about 32 years,
Son of Pramod Kishore Mohanty,
Residing at Qtr. No. 2RAF-8/7, Unit-9,
Bhubaneswar.

3. Sansad Sahu,
Aged about 31 years,
Son of Ananda Sahu,
Residing at P.O.:Mulbar,
P.S. Bhatli,
District: Bargarh-768030.

4. Baishalini Samal,
Aged about 29 years
Daughter of Kishore Kumar Samal,
Residing at Qtr. No. E-13/3,
IRC Village, Bhubaneswar, 751015.

5. State of Odisha,
Represented through the
Addl. Chief Secretary to Government,
Home Department, Government of Odisha,
State Secretariat, Bhubaneswar, Odisha.

6. State of Odisha,
Represented through the
Addl. Chief Secretary to
Government, Department of General
Administration & Public Grievance,

Government of Odisha, State
Secretariat, Bhubaneswar, Odisha.

7. State of Odisha,
Represented through the
Principal Secretary to Government,
ST & SC Development, Minorities &
Backward Classes Welfare
Department, Government of Odisha,
State Secretariat, Bhubaneswar, Odisha.

8. Bhagmat Majhi,
Working as Assistant Section Officer,
Handlooms Textiles &
Handicrafts Department,
Government of Odisha,
State Secretariat,
Bhubaneswar.

9. Ramesh Chandra Munda,
Working as Assistant Section Officer,
Handlooms Textiles & Handicrafts
Department, Government of Odisha,
State Secretariat, Bhubaneswar.

10. Monali Pradhan,
Working as Assistant
Section Officer, Women & Child
Development Department, Government
of Odisha, State Secretariat,
Bhubaneswar.

11. Shankarshan Murmu,
working as
Assistant Section Officer,
GA & PG (Lokayukta) Department,
Government of Odisha,
State Secretariat,
Bhubaneswar.

12. Priyadarsani Suchismita Jena,

Working as Assistant Section Officer,
Odisha Language, Literature, & Culture
Department, Government of Odisha,
State Secretariat,
Bhubaneswar. ... Respondents.
(Respondent Nos.1 to 4 were the petitioner Nos.1 to 4; respectively the Writ Petition (Civil) No.11039 of 2025).

Counsel appeared for the parties:

For the Appellants	:	Ms. Anindita Pujari, Senior Advocate Assisted by M/s. Arpit Sarangi, Shaileshwar Yadav, and Ananya Ankita Dash, Advocates
For the Respondent Nos.1 to 4	:	M/s. Tarun Patnaik, Arnav Behera, Advocates
For the Respondent Nos.5 to 7	:	Mr. Saswat Das Additional Government Advocate

W.A. No.605 of 2026
(CNR No. ODHC01-021408-2026):

Dr. Rupali Tandi,
Aged about 35 years,
Daughter of Trinath Tandi,
Presently working as Senior Ayurvedic Medical Officer (AMO),
Govt. Ayurvedic Dispensary (GAD),
Gotamunda (under District Ayurvedic Medical Officer),
Bhawanipatna Circle, Kalahandi,
At: Chheliapada, P.O./P.S.-Khariar,
District: Nuapada,

PIN: 766107. ... Appellant
(Opposite party
No.10 in
the Writ Petition
(Civil) No.22656
of 2025).

-VERSUS-

1. State of Odisha,
Represented through its Principal
Secretary to Govt. of Odisha,
Health & Family Welfare Department,
Lok Seva Bhawan, Sachivalaya
Bhubaneswar,
District: Khordha.

2. Principal Secretary to Govt. of Odisha,
ST & SC Development,
Minorities and Backward Classes
Welfare Department, Lok Seva Bhawan,
Sachivalaya Marg, Bhubaneswar,
District: Khordha.

3. Director,
AYUSH, Odisha,
Bhubaneswar,
At/P.O.:Bhubaneswar,
District: Khordha.

4. Secretary,
Odisha Public Service Commission (OPSC),
Cuttack, At- Cantonment Road,
P.O.- Buxi Bazar,
City/District:Kataka.

5. District Ayurvedic Medical Officer,
Bhawanipatna Circle,
At/P.O.-Bhawanipatna,
District: Kalahandi.

6. Narayan Mohanty,

Aged about 36 years,
Son of Laxmidhar Mohanty,
At-Bhailipur, P.O.- Olla,
P.S: Chandanpur, District:Puri,
at present working as
Ayurvedic Medical Officer (AMO),
deployed at Gopabandhu Ayurvedic
Medical College, Puri,
At/P.O./Town/District: Puri.

7. Suchitra Sahoo,
Aged about 36 years,
Wife of Dr. Ashis Kumar Singour,
At/P.O./P.S.- Raghunathpur,
District: Jagatsinghpur,
at present working as
Ayurvedic Medical Officer (AMO),
Govt. Ayurvedic Dispensary (GAD),
Saranga, District: Jagatsinghpur.

8. Dr. Jagyaseny Sahu,
Aged about 36 years,
Wife of Saroj Kumar Sahu,
At-Suryanagar, Ward No.6,
P.O./P.S.: Nuapada,
District: Nuapada, Pin: 766105,
at present working
Ayurvedic Medical Officer (AMO),
Govt. Ayurvedic Dispensary (GAD),
Bhawanipatna Circle, Kalahandi,
District: Kalahandi. ... Respondents.

Counsel appeared for the parties:

For the Appellant	:	Mr. Adyasidhi Mishra, Advocate
For the Respondent Nos.1 to 5	:	Mr. Saswat Das Additional Government Advocate

WA No.606 of 2026
(CNR No. ODHC01-023192-2026):

1. Bhagamat Majhi,
Aged about 37 years,
Son of Paran Majhi,
Residing at Qr. No. B-127 Sector 17,
Rourkela, Sundergarh,
Odisha – 769 009.

2. Ramesh Chandra Munda,
Aged about 35 years,
Son of Late Trilochan Munda,
Residing at Hatianasa, P.O. Chauthia,
Via: Karanjia, P.S. Champua,
Keonjhar, Odisha-758044. ... Appellants
(Opposite party
Nos.4 and 5 in
the Writ Petition
(Civil) No.11039
of 2025).

-*VERSUS*-

1. Alok Maharana,
Aged about 32 years,
Son of Abhimanyu Maharana,
Residing at Qtr. No. E-146, Unit-8,
Bhubaneswar.

2. Mousam Mohanty,
Aged about 32 years,
Son of Pramod Mishore Mohanty,
residing at Qtr. No. 2RAF-8/7, Unit-9,
Bhubaneswar.

3. Sansad Sahu,
Aged about 31 years,
Son of Ananda Sahu,
Residing at P.O. Mulbar,
P.S. Bhatli, District: Bargarh.

4. Baishalini Samal,
Aged about 29 years,

Daughter of Kishore Kumar Samal,
Residing at Qtr. No. E-13/3,
IRC Village, Bhubaneswar.

5. State of Odisha,
Represented through its
Additional Chief Secretary to
Govt. of Odisha, Revenue and Disaster
Management Department,
Lok Seva Bhawan, Bhubaneswar,
District: Khordha.

6. State of Odisha,
Represented through its
Secretary, ST & SC Development,
Minorities & Backward Classes
Welfare Department,
Lok Seba Bhawan (Odisha
Secretariat) Bhubaneswar- 751001.

7. State of Odisha,
Represented through its
Principal Secretary,
Department of Law, Law Department,
Lok Seva Bhawan, Sachivalaya Marg,
Bhubaneswar,
Odisha:751001. ... Respondents.
(Respondent Nos.1 to 4 were the Petitioner Nos.1 to 4; Respondent Nos.5 to 7 were the Opposite Party Nos.1 to 3 respectively in the Writ Petition (Civil) No.11039 of 2025).

8. Monali Pradhan,
Working as Assistant Section Officer,
Women & Child Development Department,
Government of Odisha,
State Secretariat, Bhubaneswar,
District: Khordha.

9. Rajesh Kumar Khadia,
Working as Assistant Section Officer,
School & Mass Education Department,
Government of Odisha, State Secretariat,
Bhubaneswar, District:Khordha.

10. Shankarshan Murmu,
Working as Assistant Section Officer,
GA & PG (Lokayukta) Department,
Government of Odisha, State Secretariat,
Bhubaneswar, District: Khordha.

11. Priyadarsani Suchismita Jena,
Working as Assistant Section Officer,
Odisha Language, Literature &
Culture Department, Government of
Odisha, State Secretariat,
Bhubaneswar, District: Khordha.

12. Gayatri Murmu,
Working as Assistant Section Officer,
GA & PG Department,
Government of Odisha,
State Secretariat, Bhubaneswar,
District: Khordha. … Proforma Respondents

(Opposite party Nos.6 to 10
in the Writ Petition
(Civil) No.11039
of 2025).

Counsel appeared for the parties:

For the Appellants	:	Mr. Gautam Mukherji, Senior Advocate Assisted by Ms. Arusmita Acharya, Advocate
For the Respondent Nos.1 to 4	:	M/s. Tarun Patnaik, Arnav Behera, Advocates
For the Respondent Nos.5 to 7	:	Mr. Saswat Das Additional Government Advocate

W.A. No.1210 of 2026
(CNR No. ODHC01-067371-2026):

1. Kulamani Behera,
Aged about 46 years,
Son of Natabar Behera,
Presently working as
Multi Purpose Health Worker
(Male, Level-1), Patkura CHC,
Korua Sub-Centre,
District: Kendrapada.

2. Binod Bihari Sahoo,
Aged about 44 years,
Son of Biswanath Sahoo,
Presently working as DDC
(Niramaya) CHC Rajkanika.

3. Tarakanta Behera,
Aged about 49 years,
Son of Pravakar Behera,
Presently working as DDC
(Niramaya) CHC RajNagar.

4. Jagannath Mallik,
Aged about 40 years,
Son of Raghunath Mallik,
Presently working as
Barunadiha AAM.

5. Pradipta Kumar Mallik,
Aged about 48 years,
Son of Babaji Charan Mallik,
Presently working as DDC
Niramaya SDH Pattamundai.

6. Babuli Charan Mallik,
Aged about 33 years,
Son of Keshab Mallik,
Presently working as
Ratadia AAM.

7. Himanshu Bhusan Sethi,
Aged about 33 years,
Son of Madhusudan Sethi,
Presently working as DDC
Niramaya CHC Rajkanika.

8. Gouttam Majhi,
Aged about 35 years,
Son of Kailash Chandra Majhi,
Presently working as
Badakula PHC (N). ... Appellants

-VERSUS-

1. State of Odisha,
Represented through the
Secretary to the Govt.,
Health and Family Welfare
Department, Lok Seva Bhawan,
Bhubaneswar, District: Khordha.

2. Secretary to Govt. in
S.T. & S.C. Development,
Minorities and Backward Classes Welfare Dept.,
Lok Seva Bhawan, Bhubaneswar,
District: Khordha.

3. Principal Secretary to Government in
Law Department, Lok Seva Bhawan,
Bhubaneswar, District: Khordha.

4. Director,
Public Health, Heads of Department
Building, Bhubaneswar,
District: Khordha.

5. Chief District Medical & Public Health Officer,
Kendrapada,
At/PO/District: Kendrapada.

6. Anupama Nanda,
Aged about 37 years,

Son of Abahya Kumar Nanda,
At/PO: Nantar, PS: Mahakalpada
District: Kendrapada,
presently working as
M.P.H.W.(Male) in Mahakalpada CHC,
District: Kendrapada.

7. Pradipta Kumar Roul,
Aged about 49 years,
Son of Nilamani Roul,
At/PO-Kalapada,
District: Kendrapada,
presently working as
M.P.H.W.(Male) in Indupur CHC,
District: Kendrapada.

8. Ramakanta Pradhan,
Aged about 41 years,
Son of Late Rabinarayan Pradhan,
At: Khannagar, PO: Janarabarimul,
District: Kendrapada,
Presently continuing as
M.P.H.W.(Male) Kendrapada
Municipality CHC,
District: Kendrapada.

9. Pradipta Kumar Behera,
Aged about 38 years,
Son of Parameswar Behera,
At/PO-Lokapada, District: Kendrapada
presently continuing as
M.P.H.W.(Male) of Rajkanika CHC,
District: Kendrapada.

10. Sanjay Kumar Pradhan,
Aged about 46 years,
Son of Artatrana Pradhan,
Kendudihi, At: Gojabandha,
PO: Mahakalpada, District: Kendrapada,
Presently continuing as M.P.H.W.
(Male) of Mahakalpada CHC,

District: Kendrapada.

11. Raj Kishore Nayak,
Aged about 42 years,
Son of Sunakar Nayak,
At/P.O.: Kalabuda, District: Kendrapada,
Presently continuing as
M.P.H.W. (Male) of Patkura CHC,
Kendrapada.

12. Rasabihari Kundu,
Aged about 45 years,
Son of Utsabanananananda Kundu,
At: Pandia, P.O.: Tikanpur,
District: Kendrapada,
presently continuing as
M.P.H.W.(Male) of Patkura CHC,
District: Kendrapada.

13. Jayaprakash Samal,
Aged about 42 years,
Son of Sarat Kumar Samal,
At/P.S.: Nuapada, District: Kendrapada
Presently continuing as
M.P.H.W.(Male) of Aul CHC,
District: Kendrapada.

14. Biswaranjan Jena,
Aged about 38 years,
Son of Sunakar Jena,
At-Sanabetera, P.O./P.S.: Kudanagari,
District: Kendrapada,
Presently continuing as
M.P.H.W. (Male) of Patkura CHC,
District: Kendrapada.

15. Aruna Kumar Nayak,
Aged about 45 years,
Son of Chandramani Nayak,
At-Pradhanpatikira, PO: Kusunpur,
District: Kendrapada,

Presently continuing as
M.P.H.W.(Male) Patkura CHC,
District: Kendrapada.

16. Debasis Nayak,
Aged about 40 years,
Son of Purna Chandra Nayak,
At/PO-Balipata, District: Kendrapada,
Presently continuing as
M.P.H.W.(Male) Rajkanika CHC,
District: Kendrapada.

17. Sk. Sirajul Islam,
Aged about 38 years,
Son of Sk. Sultan,
At/PO-Kusiapal, District: Kendrapada,
Presently continuing as
M.P.H.W.(Male) of Aul CHC,
District: Kendrapada. ... Respondents.
(Respondent Nos.1 to 5 were the Opposite Party Nos.1 to 5; Respondent Nos.6 to 17 were the petitioners in the Writ Petition (Civil) No.7735 of 2025).

Counsel appeared for the parties:

For the Appellants : Mr. Gautam Mukherji,
Senior Advocate
Assisted by
M/s. Arusmita Acharya,
Ankita Mukherji,
and Jagruti Mohanty, Advocates

For the Respondents : Mr. Saswat Das,
Additional Government Advocate

W.A. No.1211 of 2026

(CNR No. ODHC01-067508-2026):

1. Subrata Kumar Das,
Aged about 43 years,
Son of Late Laxman Kumar Das,
Presently working as
Multi-Purpose Health Worker (Male) at
CHC, Balakati, Khordha.

2. Lambodar Naik,
Aged about 40 years,
Son of Simanchal Naik,
Presently working as Multi
Purpose Health Worker (Male) at CHC,
Tangi, Khordha. … Appellants

-VERSUS-

1. State of Odisha,
Represented through its
Secretary to Govt. Health & Family Welfare
Department, Odisha,
At- Lokseva Bhawan,
Bhubaneswar, District: Khordha.

2. Secretary to Govt. in
ST & SC Development,
Minorities and Backward Classes Welfare
Department, At- Lokaseva Bhawan,
Bhubaneswar, District: Khordha.

3. Principal Secretary to
Government in Law Department,
At- Lokaseva Bhawan, Bhubaneswar,
District: Khordha.

4. Director of Public Health,
Odisha, At- Heads of Department
Building, Bhubaneswar,
District: Khordha.

5. Chief District Medical and Public Health Officer, Khurda,
District: Khordha.

6. Tapas Ranjan Gumansingh,
Aged about 35 years.
Son of Kasinath Gumansingh,
At/P.O.: Jankia, District: Khordha,
Presently continuing as
MPHW (Male) of Tangi CHC,
District: Khordha.

7. Paresh Chandra Mahunta,
Aged about 39 years,
Son of Padma Charan Mahunta,
At- Prasanti Vihar,
Housing Board Colony, KIIT University,
Patia, District: Khordha,
Presently continuing as
MPHW (M) Banpur CHC,
District: Khordha.

8. Dhaneswar Sahoo,
Aged about 45 years,
Son of Bamburudhar Sahoo,
At: Bamadiha, PO: Baghamari,
District: Khordha,
Presently continuing as
MPHW (M) Botalama CHC,
District: Khordha.

9. Mihir Kumar Baliarsingh,
Aged about 36 years.
Son of Narayan Baliarsingh,
At: Tikatala, PO: Chakapada,
District: Khurda,
Presently continuing as
MPHW (M) Bankoi CHC,
District: Khurda.

10. Subhrakanta Sahoo,

Aged about 35 years,
Son of Sudarsan Sahoo,
At: Majana, Angarapada,
PO: Chundaka,
District: Khordha,
Presently continuing as
MPHW (M) Haladia CHC,
District: Khordha.

11. Amarendra Sahoo,
Aged about 36 years,
Son of Late Gagan Bihari Sahoo,
At: Kateni, P.O.: Kantabada,
District: Khurda,
Presently continuing as
MPHW (M) Mendhasala CHC,
District: Khordha.

12. Jyotiraj Mala,
Aged about 34 years,
Son of Nabakishore Mala,
At/P.O.: Haja, District: Khordha,
Presently continuing as
MPHW (M) Botalama CHC,
District: Khordha.

13. Manas Kumar Sahoo,
Aged about 38 years,
Son of Dhruba Charan Sahoo,
At: Rayapurapatna, PO: Asarala,
District: Khordha,
Presently continuing as
MPHW (M) Bankoi CHC,
District: Khordha. ... Respondents.
(Respondent Nos.1 to 5 were the Opposite Party Nos.1 to 5; and Respondent Nos.6 to 13 were the petitioner in the Writ Petition (Civil) No.8372 of 2025).

Counsel appeared for the parties:

For the Appellants : Mr. Gautam Mukherji,
Senior Advocate
Assisted by
M/s. Arusmita Acharya,
Ankita Mukherji,
and Jagruti Mohanty, Advocates

For the Respondents : Mr. Saswat Das,
Additional Government Advocate

W.A. No.1213 of 2026
(CNR No. ODHC01-067510-2026):

1. Dr. Harihar Singh,
Aged about 54 years,
Son of Late Gunakar Singh,
Currently working as
Homeopathic Medical Officer at
Government Homeopathy Dispensary,
Niliguda, P.O.: Niliguda,
District:Malkangiri.

2. Dr. Rupnarayan Hembram,
Aged about 53 years,
Son of Late Birendra Nath Hembram,
Presently serving as
Homeopathic Medical Officer,
Government Homeopathic Dispensary,
Khiching, District: Mayurbhanj,
PIN: 757039. ... Appellants
(Opposite party
Nos.7 and 5 in the
Writ Petition (Civil)
No.8720 of 2025).

-VERSUS-

1. State of Odisha,
Represented through its

Secretary to Govt. Health &
Family Welfare Department,
At: Lok Seva Bhawan, Bhubaneswar,
District: Khordha.

2. State of Odisha,
Represented through its
Principal Secretary, ST & SC Development,
Minority and Backward Classes Welfare Dept.
At/P.O.: Bhubaneswar, District: Khordha.

3. Special Secretary to Govt.
GA & PG Dept.
At/P.O.: Bhubaneswar,
District: Khordha.

4. The Director,
AYUSH, Bhubaneswar,
District: Khordha.

5. Dr. Kaibalya Kumar Rath,
Aged about 37 years,
Son of Prafulla Kumar Rath,
At: Sunapada, Po: Badapadana,
District: Keonjhar,
At present working as
Homoeopathy Medical Officer in
GHD-Kendua,
District: Keonjhar.

6. Dr. Swetapadma Nayak,
Aged about 35 years,
Daughter of Sarat Kumar Nayak,
At: Kanheipur, P.O.: Jajpur Road,
District: Jajpur,
At present working as
Homoeopathy Medical Officer in
GHD-Kamagarh, District: Jajpur.

7. Dr. Sonita Sarangi,
Aged about 41 years,
Daughter of Bijay Kumar Sarangi,

At: Swarnalaya, P.O.: Bidanansi,
Nuasahi, District:Cuttack,
At present working as
Homoeopathy Medical Officer in
GHD-Mandar, District:Dhenkanal.

8. Dr. Purabi Priyadarshini,
Aged about 44 years,
Daughter of Purana Chandra Panda,
At: Patia, Po:KIIT, Plot No.533/3756,
Upasana Patia Station Road,
District: Khurda,
At present working as
Homoeopathy Medical Officer in
GHD-Surkabadi,
District: Nayagarh.

9. Dr. Anam Mohapatra,
Aged about 38 years,
Son of Late Banamali Mohapatra,
At/P.S.: Biswanathpur,
District: Khurda,
At present working as
Homoeopathy Medical Officer in
GHD Badagudiali, District: Ganjam.

10. Dr. Sarthak Kumar Dash,
Aged about 36 years,
Son of Harishankar Dash,
At/P.O.: Haripur, District: Mayurbhanj,
At present working as
Homoeopathy Medical Officer in
GHD-Pasuda, District: Mayurbhanj.

11. Dr. Puspak Kumar Dikshit,
Aged about 36 years,
Son of Prasanna Kumar Dikshit,
At: Demal, P.O./P.S.: Aul,
District: Kendrapara,
At present working as
Homoeopathy Medical Officer in

GHD Langaleswar,
District: Ganjam.

12. Dr. Abhisek Kumar Lenka,
Aged about 35 years,
Son of Narayan Kumar Lenka,
At: Kantilo, P.O.: Mandasahi,
P.S.: Jagatsingpur, District: Jagatsinghpur,
At present working as
Homoeopathy Medical Officer in
GHD Maidankel,
District: Keonjhar.

13. Dr. Deepak Kumar Sahoo,
Aged about 37 years,
Son of Bhagyadhar Sahoo,
At/P.S.: Sunguda, P.S.: Badachana,
District: Jajpur,
At present working as
Homoeopathy Medical Officer in
GHD-Batto, District:Jajpur.

14. Dr. Monalisa Nayak,
Aged about 36 years,
Daughter of Gunacharan Nayak,
At: Karapada, P.S.: Binjharpur,
District: Jajpur,
at present working as
Homoeopathy Medical Officer in
GHD-Jalasuan, District:Keonjhar.

15. Dr. Amlan Dash,
Aged about 41 years,
Son of Haramohan Dash,
At/P.S.: Manida, District: Mayurbhanj,
At present working as
Homoeopathy Medical Officer in
GHD Khadikapada,
District: Mayurbhanj.

16. Dr. Sidhartha Sankar Chanda,

Aged about 34 years,
Son of Madhaba Chandra Chand,
At: Mundeilo-Balabhadrapur,
Po: Mundeilo, District: Dhenkanal,
At present working as
Homoeopathy Medical Officer in
GHD-Akula, District: Keonjhar.

17. Dr. Saumya Subhadarshini Tripathy,
Aged about 35 years,
Daughter of Biswamohan Tripathy,
At: Plot No-13, Gayatri Nagar,
Jagannath Road, District: Dhenkanal,
At present working as
Homoeopathy Medical Officer in
GHD-Bankisol, District: Mayurbhanj.

18. Dr. Bijaylaxmi Parida,
Aged about 38 years,
Daughter of Pratap Kumar Parida,
At/P.S.: Potangi, District: Koraput,
At present working as Homoeopathy
Medical Officer in GHD-Tarasahi,
District: Jagatsinghpur.

19. Dr. Sohanlal Agrawal,
Aged about 37 years,
Son of Sitaram Agrawal,
At/P.S.: Kotamora, District: Balangir,
At present working as
Homoeopathy Medical Officer in GHD-Kushkela,
District:Bolangir.

20. Dr. Swapna Mallik,
Aged about 59 years,
Daughter of Late Lalit Mohan Mallik,
Permanent resident of Chhendipada,
P.O. Khalari, P.S./Dist. Angul and
Presently serving Medical Officer,
I/c District Homeopathic Dispensary,
Dhenkanal.

21. Dr. Promod Bihari Pradhan,
Aged about 58 years,
Permanent resident of FR-55/9,
Phase-II, Sailashree Vihar,
P.S. Kanan Vihar, District: Khordha
Presently serving as Medical Officer,
Govt. Homeopathic Dispensary,
Deogarh.

22. Dr. Santilata Behera,
Aged about 58 years,
Wife of Shri Ashok Kumar Behera,
Permanent resident of Madhusudan
Nagar, P.O./P.S. Jatni,
District: Khordha
Presently serving as Medical
Officer, I/c DHMO, Bhubaneswar.

23. Dr. Pratap Chandra Das,
Aged about 52 years,
Son of Shri Bauri Bandhu Das,
Permanent resident of Sahaspur,
P.O. Nalipur, P.S. Mahanga,
District: Kataka
Presently serving as
Medical Officer, Dr. Abhin Chandra
Homeopathic Medical College & Hospital,
Bhubaneswar.

24. Dr. Shyamananda Behera,
Aged about 55 years,
Son of Late Brendranath Behera,
Permanent resident of At/P.O. Remu,
P.S. Baliapal, District: Balasore
Presently serving as Medical
Officer, Govt. Homeopathic Dispensary Mania,
Kandhamal.

25. Dr. Laxminarayan Mahanna,
Aged about 50 years,
Son of Late Gangadhar Mahanna,

Permanent resident of
At/P.O. Singiri, P.S.: Nilgiri,
District: Balasore
Presently serving as
Medical Officer, Dr. Abhin Chandra
Homeopathic Medical College & Hospital,
Bhubaneswar.

26. Dr. Rajendra Kumar Das,
Aged about 53 years,
Son of Shri Rama Krushna Das,
Permanent resident of Hirapur,
P.O. Garhsrirampur, P.S.: Balianta,
District: Khordha
Presently serving as
Homeopathic Medical Officer,
In the office of the
District Medical Officer,
Sambalpur. ... Respondents

(Respondent Nos.1 to 4 were the opposite party Nos.1 to 4 and Respondent Nos.5 to 19 were the petitioners and respondents No.20 to 26 were intervenors in the Writ Petition (Civil) No.8720 of 2025)

27. Dr. Sarmila Soren,
At- GHD Bautibeda,
District: Mayurbhanj,
Pin- 757033.

28. Dr. Rajendranarayan Sahu,
At- LRHMO, Office of the
DHMO, Koraput,
District: Koraput, Pin- 764020.

29. Dr. Prafulla Majhi,

At: GHD Jamera, P.S.: Jamera,
District: Jharsuguda,
PIN: 768202. ... Proforma Respondents

Counsel appeared for the parties:

For the Appellants : Mr. Gautam Mukherji,
Senior Advocate
Assisted by
M/s. Arusmita Acharya,
Ankita Mukherji, and
Jagruti Mohanty, Advocates

For the Respondents : Mr. Saswat Das,
Additional Government Advocate

W.A. No.1214 of 2026
(CNR No. ODHC01-067505-2026):

1. Dr. Bhanja Kishore Sethy,
Aged about 53 years,
Son of Late Jaganmohan Sethy,
Presently working as
Homeopathic Medical Officer (Group B)
At Government Homeopathy Dispensary,
Haladharpur, At/P.S.: Haladharpur,
Via-Naranapur, Dist.-Keonjhar,
Pin: 758014.

2. Dr. Rashmikala Sethy,
Aged about 50 years,
Daughter of Er. Harihara Sethy,
Presently working as
Homeopathic Medical Officer (Group B)
At Government Homeopathy
Dispensary, Panasudha, Jajpur,
Pin: 754250.

3. Dr. Sasmita Mandal,
Aged about 47 years,
Daughter of Surendra Nath Mandal,

Presently working as
Homeopathic Medical Officer (Group B)
At Government Homeopathy Dispensary,
Kasabajaypur, District: Balasore,
Pin-756043.

4. Dr. Smaranika Patra,
Aged about 36 years,
Daughter of Nityananda Patra,
Presently working as
Homeopathic Medical Officer (Group B)
At Government Homeopathy Dispensary,
At/P.S.: Guamal, Via-Tihidi,
District: Bhadrak, Pin-756163.

5. Dr. Debi Prasad Sethi,
Aged about 38 years,
Son of Bansidhar Sethi,
Presently working as
Homeopathic Medical Officer (Group B)
At Ayushman Arogya Mandir,
Government Homeopathy Dispensary,
Sogar, Via-Analabereni,
District:Dhenkanal, Pin: 759026.

6. Dr. Arundhati Bag,
Aged about 37 years,
Daughter of Labanidhar Bag,
Presently working as
Homeopathic Medical Officer (Group B)
At Government Homeopathy Dispensary,
Darlipali, Sundargarh.

7. Dr. Tarakanta Patra,
Aged about 46 years,
Son of Late Bidyadhar Patra,
Presently working as
Homeopathic Medical Officer (Group B)
At Government Homeopathy
Dispensary, Rimuli,
Champua, Keonjhar, PIN: 758047.

8. Dr. Aseema Surin,
Aged about 35 years,
Care of Mr. Ruben Surin,
Presently working as
Homeopathic Medical Officer (Group B)
At Government Homeopathy Dispensary,
Tumulia, At-Near Manikeswari Degree
College, PO.-G. Tumulia,
District: Sundargarh,
PIN: 770024.

9. Dr. Monalisa Priyadarshini,
Aged about 35 years,
Daughter of Prahallad Sethi,
Presently working as Homeopathic
Medical Officer (Group B) at
Government Homeopathy Dispensary,
Biribolei, Kankadahad,
Dhenkanal, PIN: 759029.

10. Dr. Nibedita Das,
Aged about 40 years,
Daugther of Bhanu Charan Das,
Presently working as Homeopathic
Medical Officer (Group B) at
Government Homeopathy Dispensary,
At-Gadasahi, P.O.-Oupada,
District: Balasore, PIN: 756047.

11. Dr. Ranjita Malik,
Aged about 43 years,
Daughter of Late Gangadhar Malik,
Presently working as Homeopathic
Medical Officer (Group B) at Government
Homeopathy Dispensary,
Tentulinanda, At/P.S.: Moreigaon,
Via-Hatadihi, Dist.-Keonjhar,
PIN: 758083.

12. Dr. Sankarsan Sethi,
Aged about 45 years,

Son of Maguni Charan Sethi,
Presently working as
Homeopathic Medical Officer (Group B) at
Government Homeopathy Dispensary,
Nahabeda, At/P.S.: Nahabeda,
District: Keonjhar, PIN: 758031.

13. Dr. Bhabani Senapati,
Aged about 35 years,
Care of Gajendra Senapati,
Presently working as
Homeopathic Medical Officer (Group B) at
Government Homeopathy Dispensary,
Laxmiposi, Mayurbhanj Circle.

14. Dr. Anupama Haldar,
Aged about 39 years,
Daughter of Late Arun Kumar Haldar,
Presently working as
Homeopathic Medical Officer (Group B) at
Government Homeopathy Dispensary,
Jamaranda, Nabarangpur.

15. Dr. Ramesh Chandra Malik,
Aged about 47 years,
Son of Kailash Chandra Malik,
Presently working as
Homeopathic Medical Officer (Group B) at
Government Homeopathy Dispensary,
Areikana, At/P.S.: Areikana,
Via-Dharmasala, Dist.-Jajpur,
PIN- 755008.

16. Dr. Balunkeswar Namdeo,
Aged about 34 years,
Son of Shekhar Banamali Namdeo,
Presently working as
Homeopathic Medical Officer (Group B) at
Government Homeopathy Dispensary,
Laikera, At/P.O.: Laikera,
District: Jharsuguda.

17. Dr. Amiya Kumar Behera,
Aged about 47 years,
Son of Late Sibaram Behera,
Presently working as
Homeopathic Medical Officer (Group B) at
Government Homeopathy Dispensary,
Maikancha, Rayagada,
PIN-765015.

18. Dr. Swama Smita Shial,
Aged about 35 years,
Daughter of Jadunath Shial,
Presently working as
Homeopathic Medical Officer (Group B) at
Government Homeopathy Dispensary,
At/P.S.: Aghirapada, Via- Oupada,
District:Balasore, PIN-756049.

19. Dr. Triloka Nanda Das,
Aged about 35 years,
Care of Mr.Jaladhar Das,
Presently working as
Homeopathic Medical Officer (Group B) at
Government Homeopathy Dispensary,
Khalamada, At/P.O.: Khalamada,
Via-Nuagaon, Dist.-Nayagarh,
PIN: 752083.

20. Dr. Doli Sethi,
Aged about 40 years,
Daughter of Rabindra Ku.Sethi,
Presently working as
Homeopathic Medical Officer (Group B) at
Utkalamani Homeopathic
Medical College and Hospital,
Rourkela, District: Sundargarh.

21. Dr. Subhashree Mahapatra,
Aged about 35 years,
Daughter of Krushna Chandra Mohapatra,
Presently working as

Homeopathic Medical Officer (Group B) at
Government Homeopathy Dispensary,
Injidi, At/P.S.: Injidi,
District:-Angul, PIN-759118.

22. Dr. Tusar Ranjan Sethi,
Aged about 34 years,
Son of Sudhakar Sethi,
Presently working as
Homeopathic Medical Officer (Group B) at
Dispensary, At/P.O.: Dimiria,
Via-Nandipada, Dist.-Keonjhar,
PIN: 756121.

23. Dr. Jyotirmayee Mallick,
Aged about 41 years,
Daughter of Kashinath Mallick,
Presently working as
Homeopathic Medical Officer (Group B) at
Government Homeopathy Dispensary,
Bikrampur, Rayagada,
Koraput Circle.

24. Tanushree Behera,
Aged about 42 years,
Daughter of Surendra Behera,
Presently working as
Homeopathic Medical Officer (Group B) at
Kataka Circle, LRHMO.

25. Dr. Laxmipriya Sethi,
Aged about 39 years,
Daughter of Gajendra Nath Sethi,
Presently working as
Homeopathic Medical Officer (Group B) at
Government Homeopathy Dispensary,
At/P.S.: Ramakrushnapur, Block-Bonth,
P.S.-Bhadrak, PIN: 756113.

26. Dr. Hemanta Kumar Behera,
Aged about 46 years,

Son of Pitabasa Behera,
Presently working as
Homeopathic Medical Officer (Group B) at
Government Homeopathy Dispensary,
Gurusang, Thianal, Barkote,
Debagada, PIN: 768110.

27. Dr. Bikash Surin,
Aged about 31 years,
Son of Leonard Surin,
Presently working as
Homeopathic Medical Officer (Group B) at
Government Homeopathy Dispensary,
Lahanda, At/P.S.: Lahanda,
Block- Nuagaon, P.S.-Bisra,
District:Sundargarh, PIN: 769042.

28. Dr. Premananda Behera,
Aged about 43 years,
Son of Jagannath Behera,
Presently working as
Homeopathic Medical Officer (Group B) at
Government Homeopathy Dispensary,
Kellapada, District: Kandhamal.

29. Dr. George Surin,
Aged about 57 years,
Son of Benjamin Surin,
Presently working as
Homeopathic Medical Officer (Group B) at
Government Homeopathy Dispensary,
Sundargarh Town, At/P.S.: Sundargarh
Town, P.O.-Sundargarh H.Q.,
District:-Sundargarh,
PIN: 770001, Odisha. ... Appellants

-VERSUS-

1. State of Odisha,
Represented through its
Secretary to Govt. Health & Family Welfare Dept.
At: Lok Seva Bhawan,

Bhubaneswar, District: Khordha.

2. State of Odisha,
Represented through its
Principal Secretary,
ST & SC Development,
Minority and Backward Classes
Welfare Dept.
At/P.O.: Bhubaneswar,
District: Khordha.

3. Special Secretary to Govt.
GA & PG Dept.
At/P.O.: Bhubaneswar,
District: Khordha.

4. The Director,
AYUSH, Bhubaneswar,
District: Khordha.

5. Dr. Kaibalya Kumar Rath,
Aged about 37 years,
Son of Prafulla Kumar Rath,
At: Sunapada, P.O.: Badapadana,
District: Keonjhar,
At present working as
Homoeopathy Medical Officer in
GHD-Kendua, District: Keonjhar.

6. Dr. Swetapadma Nayak,
Aged about 35 years,
Daughter of Sarat Kumar Nayak,
At-Kanheipur, P.O.: Jajpur Road,
District: Jajpur,
At present working as
Homoeopathy Medical Officer in
GHD-Kamagarh, District: Jajpur.

7. Dr. Sonita Sarangi,
Aged about 41 years,
Daughter of Bijay Kumar Sarangi,

At: Swarnalaya, P.O.: Bidanansi,
Nuasahi, District: Kataka,
at present working as
Homoeopathy Medical Officer in
GHD-Mandar, District: Dhenkanal.

8. Dr. Purabi Priyadarshini,
Aged about 44 years,
Daughter of Purana Chandra Panda,
At-Patia, P.S.: KIIT, Plot No- 533/3756,
Upasana Patia Station Road,
District: Khordha,
At present working as
Homoeopathy Medical Officer in
GHD-Surkabadi, District: Nayagarh.

9. Dr. Anam Mohapatra,
Aged about 38 years,
Son of Late Banamali Mohapatra,
At/P.S.: Biswanathpur,
District: Khurda,
At present working as
Homoeopathy Medical Officer in
GHD-Badagudiali, District: Ganjam.

10. Dr. Sarthak Kumar Dash,
Aged about 36 years,
Son of Harishankar Dash,
At/P.S.: Haripur, District: Mayurbhanj,
At present working as
Homoeopathy Medical Officer in
GHD-Pasuda, District: Mayurbhanj.

11. Dr. Puspak Kumar Dikshit,
aged about 36 years,
Son of Prasanna Kumar Dikshit,
At-Demal, P.O./P.S.: Aul,
District: Kendrapara,
At present working as
Homoeopathy Medical Officer in
GHD-Langaleswar, District: Ganjam.

12. Dr. Abhisek Kumar Lenka,
Aged about 35 years,
Son of Narayan Kumar Lenka,
At-Kantilo, P.S.: Mandasahi,
P.S.: Jagatsingpur, District: Jagatsinghpur,
At present working as
Homoeopathy Medical Officer in
GHD-Maidankel, District: Keonjhar.

13. Dr. Deepak Kumar Sahoo,
Aged about 37 years,
Son of Bhagyadhar Sahoo,
At/P.S.: Sunguda, P.S.: Badachana,
District: Jajpur,
At present working as
Homoeopathy Medical Officer in
GHD-Batto, District: Jajpur.

14. Dr. Monalisa Nayak,
Aged about 36 years,
Daughter of Gunacharan Nayak,
At-Karapada, P.S.: Binjharpur,
District: Jajpur,
At present working as
Homoeopathy Medical Officer in
GHD-Jalasuan, District: Keonjhar.

15. Dr. Amlan Dash,
Aged about 41 years,
Son of Haramohan Dash,
At/P.S.: Manida, District: Mayurbhanj,
At present working as
Homoeopathy Medical Officer in
GHD-Khadikapada, District: Mayurbhanj.

16. Dr. Sidhartha Sankar Chanda,
Aged about 34 years,
Son of Madhaba Chandra Chand,
At-Mundeilo-Balabhadrapur,
P.S.: Mundeilo, District: Dhenkanal,
At present working as

Homoeopathy Medical Officer in
GHD-Akula, District: Keonjhar.

17. Dr. Saumya Subhadarshini Tripathy,
Aged about 35 years,
Daughter of Biswamohan Tripathy,
At-Plot No-13, Gayatri Nagar,
Jagannath Road, District: Dhenkanal,
At present working as
Homoeopathy Medical Officer in
GHD-Bankisol, District: Mayurbhanj.

18. Dr. Bijaylaxmi Parida,
Aged about 38 years,
Daughter of Pratap Kumar Parida,
At/P.S.: Potangi, District: Koraput,
At present working as
Homoeopathy Medical Officer in
GHD-Tarasahi, District: Jagatsinghpur.

19. Dr. Sohanlal Agrawal,
Aged about 37 years,
Son of Sitaram Agrawal,
At/P.S.: Kotamora, District: Balangir,
At present working as
Homoeopathy Medical Officer in
GHD-Kushkela, District: Bolangir.

20. Dr. Swapna Mallik,
Aged about 59 years,
Daughter of Late Lalit Mohan Mallik,
Permanent resident of Chhendipada,
P.O. Khalari, P.S./Dist. Angul and
Presently serving Medical Officer,
I/c District Homeopathic Dispensary,
Dhenkanal.

21. Dr. Promod Bihari Pradhan,
Aged about 58 years,
Permanent resident of FR-55/9,
Phase-II, Sailashree Vihar,

P.S. Kanan Vihar, Dist. Khurda and
Presently serving as Medical Officer,
Govt. Homeopathic Dispensary, Deogarh.

22. Dr. Santilata Behera,
Aged about 58 years,
Wife of Shri Ashok Kumar Behera,
Permanent resident of Madhusudan Nagar,
P.O./P.S. Jatni, Dist. Khurda and
Presently serving as Medical Officer,
I/c DHMO, Bhubaneswar.

23. Dr. Pratap Chandra Das,
Aged about 52 years,
Son of Shri Bauri Bandhu Das,
Permanent resident of Sahaspur,
P.O. Nalipur, P.S. Mahanga,
Dist. Cuttack and
Presently serving as Medical Officer,
Dr. Abhin Chandra Homeopathic Medical
College & Hospital, Bhubaneswar.

24. Dr. Shyamananda Behera,
Aged about 55 years,
Son of Late Brendranath Behera,
Permanent resident of
At/P.O. Remu, RS. Baliapal,
Dist. Balasore and
Presently serving as Medical Officer,
Govt. Homeopathic Dispensary Mania,
Kandhamal.

25. Dr. Laxminarayan Mahanna,
Aged about 50 years,
Son of son of Late Gangadhar Mahanna,
Permanent resident of At/P.O. Singiri,
P.S. Nilgiri, Dist. Balasore and
Presently serving as Medical Officer,
Dr. Abhin Chandra Homeopathic
Medical College & Hospital,
Bhubaneswar.

26. Dr. Rajendra Kumar Das,
Aged about 53 years,
Son of Shri Rama Krushna Das,
Permanent resident of Hirapur,
P.O. Garhsrirampur, P.S. Balianta,
District: Khordha and
Presently serving as Homeopathic
Medical Officer, in the office of the
District Medical Officer,
Sambalpur. ... Respondents.
(Respondent Nos.1 to 4 were the Opposite Party Nos.1 to 4; Respondent No.5 to 19 were the petitioner and Respondent Nos.20 and 26 were the intervenors the Writ Petition (Civil) No.8720 of 2025).

Counsel appeared for the parties:

For the Appellants : Mr. Gautam Mukherji,
Senior Advocate
Assisted by
M/s. Arusmita Acharya,
Ankita Mukherji,
and Jagruti Mohanty, Advocates

For the Respondents : Mr. Saswat Das,
Additional Government Advocate

D-W.A. No.39849 of 2026
(CNR No. ODHC01-065635-2026):

1. Banita Khamari,
Aged about 41 years,
Daughter of Sreebachha Khamari,
Wife of Dhirendra Kumar Naik
Residing at Kaliakundal,

PO- Junagarh, District: Kalahandi,
Odisha, at present serving as a
MPHW(F), L-II in SC category,
Under CHCJaipatna,
Sundrijore AAM SC in the District of
Khalahandi.

2. Jyosnarani Bag,
Aged about 42 years,
Daughter of Subash Chandra Bag,
Ward No. 10, At/P.O.-Kesinga,
District: Kalahandi, Odisha,
At present serving as a MPHW(F),
L-II in SC Category, under
CHC-Karlamunda, Rajpur AAM
SC in the District of
Kalahandi. ... Appellants

-*VERSUS*-

1. State Of Odisha, Odisha
Represented through the
Secretary to Govt. Health &
Family welfare Department,
Govt. of Odisha, Lokseva Bhawan,
Bhubaneswar, District: Khordha.

2. Director, Family & Welfare,
Odisha, At.-Heads of Departmental
Building, Bhubaneswar,
District: Khordha.

3. Chief District Medical and Public Health Officer,
Kalahandi,
At./P.O./P.S.- Bhawanipatna,
District: Kalahandi. ... Respondents.

Counsel appeared for the parties:

For the Appellant : Mr. Haladhar Sethy, Advocate

For the Respondents : Mr. Saswat Das,
Additional Government Advocate

P R E S E N T:

HONOURABLE CHIEF JUSTICE
MR. HARISH TANDON

AND

HONOURABLE
MR. JUSTICE MURAHARI SRI RAMAN

Date of Hearing: 29.09.2026 :: Date of Judgment : 29.10.2026

JUDGMENT

The appellants in W.A. No.440 of 2026 by way of this intra-Court appeal assail the judgment dated 22.01.2026 passed in the bunch of matters by the learned Single Judge by which the writ application filed by the respondent No.5, being W.P.(C) No.19884 of 2025, [for quashing of the order of promotion dated 09.07.2025 in favour of all the Assistant Engineers (Civil) belonging to Scheduled Tribe and Scheduled Caste Category; to promote the writ petitioner as Assistant Executive Engineer (Civil) under Water Resources Department with all consequential service benefits by reviewing the decision of the Departmental Promotion Committee; to quash the Letter No.9338, dated 06.05.2024, dated 11.09.2024 and dated 27.02.2025] was allowed.

2. The facts leading to challenge made to judgment dated 22.01.2026 rendered in batch of writ petitions by the learned Single Judge *viz., Hiranmayee Nayak Vs. State of Odisha, W.P.(C) No.7674 of 2025 &c.*[1] as stated in W.A. No.440 of 2026 [relating to Writ Appeal No.19884 of 2025] are taken into consideration.

2.1. The writ petitioner in W.P.(C) No.19884 of 2025 (respondent No.5 in Writ Appeal No.440 of 2026) had filed the writ petition praying *inter alia* to quash the order dated 09.07.2025 directing promotion of the Assistant Engineer to that of the Assistant Executive Engineer on the ground that 73 numbers of Assistant Engineer (Civil) belonging to Scheduled Tribe and Scheduled Caste (for short, "ST & SC") Categories have been included as against 148 posts earmarked for unreserved category posts. The writ petitioner also assailed the gradation list, finally published on 17.06.2025, on the ground that though the opposite party No.6 to 9 are juniors to the writ petitioner have been given promotion *vide* order dated 09.07.2025 ignoring the seniority and claim of the petitioner for promotion.

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[1] W.P.(C) Nos. 3289, 4527, 4707, 4709, 4928, 5063, 6555, 6661, 6663, 6687, 6691, 7129, 7901, 8372, 8380, 8382, 8510, 8573, 8627, 8720, 8739, 8875, 9265, 9277, 9291, 9296, 9397, 9643, 9789, 9985, 10042, 10105, 10223, 10224, 10721, 10923, 11039, 12454, 12973, 13367, 13600, 14016, 14228, 15864, 15998, 16104, 16316, 18943, 18965, 19487, 19512, 19884, 21084, 21393, 22005, 22656, 23002, 23166, 23781, 24202, 24631, 25482 & 27932 OF 2025 *vide 2026 ILR-CUT ONLINE 1303.*

2.2. The case of the writ petitioner (the present respondent No. 5) as adumbrated in the writ petition *vide* W.P.(C) No.19884 of 2025 is briefly stated as follows:

(a) Writ petitioner/respondent No. 5 belonging to Socially Economically Backward Class category joined the post of Junior Engineer (Civil) under the Water Resources Department on 07.04.2007 on contractual basis and subsequently after completion of six years of contractual service he was regularised as Junior Engineer.

(b) The present appellants (opposite party No.6 to 9 in the writ petition), belonging to ST & SC categories, joined the post of Junior Engineer on contractual basis and got regularised subsequent to the writ petitioner on different dates in different years against the post earmarked for their respective reserved categories (ST & SC).

(c) After introduction of the Odisha Diploma Engineers' Service (Methods of Recruitment & Conditions of Service) Rules, 2012 ("ODES Rules" for brevity), the writ petitioner belonging to unreserved category was found suitable for promotion into the next higher post of Assistant Engineer (Civil) in the Meeting of the Departmental Promotion Committee held in the year 2019 and

accordingly, he was promoted *vide* order dated 06.10.2020 as an unreserved category candidate.

(d) The present appellants, initially appointed against Scheduled Tribe and Scheduled Caste category (against the quota of posts earmarked for their respective category) were also granted promotion as the Assistant Engineer (Civil) subsequent to the petitioner in the DPC Meetings held during the years 2021 and 2022 against the reserved posts of Assistant Engineer (Civil) earmarked against the roster point for SC & ST category and not on the basis of their own merit, thereby superseding others who were senior to these appellants.

(e) Questioning legality, it is stated that the State illegally applied the reservation in promotion in gross violation of the law laid down in *M. Nagaraj Vs. Union of India, (2006) 8 SCC 212* and there was absence of Rules framed by the Government prescribing reservation in the promotion in the Grade of Assistant Engineer (Civil). Therefore the State should not have extended reservation in promotion and extend consequential seniority in favour promotees against the roster point while preparing gradation list (finally published on 17.06.2025) of Assistant Engineer (Civil) under the Water Resource Department.

(f) The service of the Assistant Engineer (Civil) is guided by the ODES Rules, 2012, but the provisions of said Recruitment Rules were overlooked while preparing the final gradation list dated 17.06.2025. The writ petitioner should have been assigned appropriate seniority on the basis of his date of joining the promotional post of Assistant Engineer (Civil) in consonance with Rule 16 of the said Rules.

(g) The total sanctioned strength of Assistant Executive Engineer (Civil) was 1076, out of which 430 sanctioned posts were earmarked for promotional quota in the ratio of 60:40 [*i.e.*, 60 % was to be filled by direct recruitment and 40% was to be filled by promotion from Assistant Engineer as per ODES Rules, 2012].

(h) Proviso to Rule 3A as inserted by virtue of the Odisha Civil Services (Criteria for Promotion) Amendment Rules, 2022 in the Odisha Civil Services (Criteria for Promotion) Rules, 1992[2] states

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2 Rule 3A has been inserted by virtue of the Odisha Civil Services (Criteria for Promotion) Amendment Rules, 2022, with effect from 12.10.2022, *vide* Odisha Gazette, Extraordinary No.2890, dated 12.10.2022, reads as follows:

"3-A Notwithstanding anything contained in the relevant recruitment rules, where the promotion is to be considered as per the post based reservation (by way of replacement theory), the separate zone of consideration shall be applicable:

Provided that the Scheduled Caste or Scheduled Tribe candidates appointed on their own merit either by direct recruitment or by promotion and placed above the unreserved candidates in the merit list shall be considered and adjusted against the unreserved vacancies and such

that the persons belonging to Scheduled Tribe and Scheduled Caste categories who were selected on their own merit by direct recruitment or promotion and were placed above the unreserved category employees in the merit list shall be considered and adjusted against the vacancies meant for filling up unreserved category persons and such posts are not to be counted within the quota fixed for reserved category.

(i) The writ petitioner/present respondent No.5 has also assailed the Clarification *vide* Letter dated 06.05.2024 and dated 27.02.2025 issued by the Government of Odisha in Scheduled Tribe and Scheduled Caste Development Department based on the Law Department Clarification by Letter dated 27.02.2024, which opined that if the reserved category candidate is on the top of the gradation list over a general category candidate, the person of general category cannot be promoted to the next unreserved category vacancy by-passing the reserved category candidate. The writ petitioner challenged the aforesaid letter on the ground that State of Odisha has not framed any policy providing reservation in promotion granting consequential seniority in any service nor has it collected

candidates are not to be counted within the percentage earmarked for reservation of their category."

quantifiable date pertaining to inadequacy of representation of Scheduled Tribe and Scheduled Caste people in the post of the Assistant Engineer and the Assistant Executive Engineer.

(j) On the basis of the aforesaid pleadings the writ petition was filed by the writ petitioner/present respondent No.5 praying to quash the said letters and consequential action taken thereof.

2.3. By a common judgment dated 22.01.2026 in batch of matters being *Hiranmayee Nayak Vs. State of Odisha, W.P.(C) No.7674 of 2025* reported at *2026 ILR-CUT ONLINE 1303* the learned Single Judge has made following observations while allowing the writ petitions:

"9. Having heard learned counsels appearing for the parties and considering the submissions made, this Court finds that eligibility of an employee to get the benefit of promotion in any cadre is provided under the OCS (Criteria for Promotion) Rules, 1992. While amending Rule 3 of the 1992 Rules[3] with insertion of

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3 Rule 3 of the Odisha Civil Services (Criteria for Promotion) Rules, 1992, stands thus:

"3. Criteria for Promotion.—
Notwithstanding anything contained in the Recruitment Rules,—
(a) all promotion to the posts or grades of different Services/Civil Posts under the State Government shall be made by selection;
(b) selection for such promotion shall be made on the basis of merit and suitability in all respect with due regard to seniority and the names of persons included in the Select List shall be arranged in order of seniority in the feeder service or grade :Provided that any Junior officer of exceptional merit and suitability may be assigned a place higher than his seniors and in such case the assignment of higher position to the junior officer shall be limited to the same batch or year of allotment except where an officer of the earlier batch or year of allotment is found unsuitable for promotion:

Rule 3A, it was clearly provided that ST & SC candidates appointed on their own merit either by direct recruitment or by promotion and placed above the Unreserved candidates in the merit list shall be considered and adjusted against the un-reserved vacancy and such candidates are not to be counted against the percentage earmarked for reservation of their category.

9.1. This Court finds that on the face of such clear provision contained under Rule 3A of the Amendment Rules, 2022, opposite party No.3 while

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Provided further that where promotion is made from different services or posts and no common seniority among such officers exists, their names in the Select List shall be arranged on the basis of their merit adjudged during selection.

Explanation.—

The expression 'BATCH OR YEAR OF ALLOTMENT' means the calendar year of the select list on the basis of which an officer is promoted to the higher rank.

(c) In order to judge the suitability of an officer for promotion, the Orissa Public Service Commission, the Departmental Promotion Committee, the Selection Commission or Selection Board, as the case may be, shall scrutinise preceding five available annual Confidential Character Rolls [Performance Appraisal Reports (PARs), as substituted vide General Administration Department Notification No.2R/ 1-24/ 2004-5906-Gen., dated 25.02.2005.] and other documents, if any, having a bearing on the performance and conduct of all eligible officers, unless for reasons to be recorded, it is considered necessary to refer to any earlier record to adjudge an officer's suitability:

Provided the available Confidential Character Rolls [Performance Appraisal Reports (PARs) as Added vide Odisha Gazette Extraordinary No. 668, dated 21.04.2007] taken into consideration for promotion as above shall include C.C.Rs./(P.A.Rs.) covering at least a period of three years in preceding five years.

Note:I.—

The expression 'OTHER DOCUMENTS' means papers of whatsoever nature having bearing on the performance and conduct of eligible officers like C.B.I. or Vigilance reports, papers relating to departmental action and other confidential reports having nexus with an officer's performances which might have been prepared after giving an opportunity to an officer of being heard and not reflected in his C.C.Rs./(P.A.Rs.) or service records.

Note:II.—

The expression 'PRECEDING FIVE YEARS' means the five years preceding the year which the officer's performance is, in accordance with the relevant Recruitment Rules, first evaluated."

issuing the impugned clarification on 06.05.2024 and 27.02.2025 basing on the view given by the Law Department on 27.02.2024 held that reserve category employees who have availed reservation in appointment, could be promoted against Unreserved vacancy to treat them as their own merit.

9.2. Placing reliance on the provisions contained under Rule 6 of the 1992 Rules, it is the view of this Court that it is only the General Administration and Public Grievances Department who is competent to issue any clarification while interpreting any of the Rules so contained under the 1992 Rules. It is also found that impugned clarification has been issued by opposite party No.3-department without prior concurrence/approval of the Hon'ble Governor of Odisha. Since 1992 Rules as well as the Amendment Rules, 2022 have been framed under Article 309 of the Constitution of India and such a rule was issued with due approval of the Hon'ble Governor, placing reliance on the provisions contained under Articles 154 and 162 of the Constitution of India and the decision in the case of Prasanna Kumar Sahoo[4], so followed by this Court in W.P.(C) No.12518 of 2020[5] and batch so cited (supra), it is the view of this Court that opposite party No.3 is not competent to issue any such clarification so issued on 06.05.2024 and 27.02.2025, without prior approval of the Governor and Law Department was also not competent to give its view on 27.02.2024, basing on which such a clarification was issued on 06.05.2024.

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4 *State of Odisha and Others Vs. Prasanna Kumar Sahoo, (2007) 15 SCC 129.*

5 *Gopinath Sahu Vs. State of Odisha, W.P.(C) No.12518 of 2020, vide judgment dated 03.08.2020 of High Court of Orissa.*

9.3. It is also the view of this Court that in terms of the provision contained under Article 16(4A) of the Constitution of India and decisions rendered by the Hon'ble Apex Court in the case of M. Nagaraj[6], so followed in Jarnail Singh[7] so cited (supra) and the provision contained under Article 335 of the Constitution of India, since no quantifiable data has yet been collected by the State with regard to inadequacy of representation of reserve category candidate in any cadre of posts, so admitted before the Hon'ble Apex Court in the case of Pravakar Mallick[8] so cited (supra), in absence of any such quantifiable data being collected by the State showing inadequacy of representation of SC and ST candidates in any cadre and the overall efficiency, no such clarification could have been issued by opposite party No.3 on 06.05.2024 and 27.02.2025.

9.4. Since in terms of the decision of the Hon'ble Apex Court in the case of M. Nagraj and Jarnail Singh, no such quantifiable data has yet been collected and the impugned clarification has been issued by opposite party No.3 contrary to the provisions contained under Rule 6 of the 1992 Rules as well as Articles 154 and 162 of the Constitution of India, it is the view of this Court that the impugned clarification issued on 06.05.2024, directed to be followed in communication dated 27.02.2025 basing on the clarification issued by the Law Department on 27.02.2024, are not sustainable in the eye of law and stand quashed. Consequentially, any action taken basing on such clarification issued on

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6 *M. Nagaraj Vs. Union of India, (2006) 7 Suppl. SCR 336 = (2006) 8 SCC 212.*

7 *Jarnail Singh Vs. Lachhmi Narain Gupta, (2018) 10 SCR 663 = (2018) 10 SCC 396; Jarnail Singh Vs. Lachhmi Narain Gupta, (2022) 19 SCR 711 = 2022 INSC 105.*

8 *Pravakar Mallick Vs. State of Odisha, (2020) 5 SCR 222 = AIR 2020 SC 2122.*

06.05.2024 and 27.02.2025 are also not sustainable in the eye of law and stand quashed. The decisions rendered by this Court in the case of Lalit Kumar Nayak as well as Litu Behera on the face of the provision contained under Article 16(4A) of the Constitution of India and the decision in the case of M. Nagraj as well as Jarnail Singh as per the considered view of this Court are judgments per-incuriam.

9.5. Therefore, this Court while quashing clarification dated 06.05.2024 and communication dated 27.02.2025 so issued by opposite party No.3 as well as consequential action taken thereof by various departments of the State, direct the concerned departments in the present batch of Writ Petitions to follow the provisions contained under Rule 3A of the Amendment Rules, 2022 and so also the provision contained under Article 16(4-A) of the Constitution of India read with the decision in the case of M. Nagraj and Jarnail Singh with regard to promotion of SC & ST candidates.

10. With the aforesaid observation and direction, all the Writ Petitions stand disposed of accordingly"

2.4. Being dissatisfied with the above perception of law and factual erroneous approach of the learned Single Judge, the opposite party No.6 to 9 (appellants herein) have preferred this writ appeal.

3. At this stage it is of benevolence to take note of rulings in *State of Odisha and Others Vs. Prasanna Kumar Sahoo, (2007) 15 SCC 129; M. Nagraj Vs. Union of India,*

(2006) 8 SCC 212; Jarnail Singh Vs. Lachhmi Narain Gupta, (2018) 10 SCR 663; Pravakar Mallick Vs. State of Odisha, (2020) 5 SCR 222; Jarnail Singh Vs. Lachhmi Narain Gupta, (2022) 19 SCR 711; Union of India Vs. G. Kiran, (2026) 1 SCR 141; The West Bengal State Electricity Transmission Co. Ltd Vs. Dipendu Biswas, (2026) 4 SCR 600.

3.1. In *State of Odisha and Others Vs. Prasanna Kumar Sahoo, (2007) 15 SCC 129* it has been observed as follows:

> *"11. It is now well settled that a State is bound by the constitutional scheme to treat all persons equally in the matter of grant of public employment as envisaged under Articles 14 and 16 of the Constitution of India.*
>
> *12. Even a policy decision taken by the State in exercise of its jurisdiction under Article 162 of the Constitution of India would be subservient to the recruitment rules framed by the State either in terms of a legislative Act or the proviso appended to Article 309 of the Constitution of India. A purported policy decision issued by way of an executive instruction cannot override the statute or statutory rules far less the constitutional provisions.*
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> *13. In A. Umarani v. Registrar, Coop. Societies, (2004) 7 SCC 112 this Court has held:*
>
> *'45. No regularisation is, thus, permissible in exercise of the statutory power conferred under Article 162 of the Constitution if the*

appointments have been made in contravention of the statutory rules.'

14. *The Circular Letter dated 21.03.1995 even does not purport to lay a policy decision relating to regularisation or absorption of the census employees. It only provided for relaxation of age. Such relaxation was also subject to strict compliance with the recruitment rules. If by reason of some misconception or otherwise, the Tribunal had granted some relief in favour of some census employees, the same by itself, in our opinion, would not confer any legal right upon a person for being absorbed in State services without compliance with the mandatory provisions of the recruitment rules and the constitutional scheme adumbrated under Article 16 of the Constitution of India."*

3.2. Relevant paragraphs in *M. Nagraj Vs. Union of India, (2006) 8 SCC 212* are reproduced hereunder:

"2. The facts in the above writ petition, which is the lead petition, are as follows:

The petitioners have invoked Article 32 of the Constitution for a writ in the nature of certiorari to quash the Constitution (Eighty-fifth Amendment) Act, 2001 inserting Article 16(4-A) of the Constitution retrospectively from 17-6-1995 providing reservation in promotion with consequential seniority as being unconstitutional and violative of the basic structure. According to the petitioners, the impugned amendment reverses the decisions of this Court in Union of India Vs. Virpal Singh Chauhan, (1995) 6 SCC 684, Ajit Singh Januja Vs. State of Punjab, (1996) 2 SCC 715 (Ajit Singh-I), Ajit Singh (II) Vs.

State of Punjab, (1999) 7 SCC 209, Ajit Singh (III) Vs. State of Punjab, (2000) 1 SCC 430, Indra Sawhney Vs. Union of India, 1992 Supp (3) SCC 217 and M.G. Badappanavar Vs. State of Karnataka, (2001) 2 SCC 666. The petitioners say that Parliament has appropriated the judicial power to itself and has acted as an Appellate Authority by reversing the judicial pronouncements of this Court by the use of power of amendment as done by the impugned amendment and is, therefore, violative of the basic structure of the Constitution. The said amendment is, therefore, constitutionally invalid and is liable to be set aside. The petitioners have further pleaded that the amendment also seeks to alter the fundamental right of equality which is part of the basic structure of the Constitution. The petitioners say that the equality in the context of Article 16(1) connotes "accelerated promotion" so as not to include consequential seniority. The petitioners say that by attaching consequential seniority to the accelerated promotion, the impugned amendment violates equality in Article 14 read with Article 16(1). The petitioners further say that by providing reservation in the matter of promotion with consequential seniority, there is impairment of efficiency. The petitioners say that in Indra Sawhney, 1992 Supp (3) SCC 217 decided on 16.11.1992, this Court has held that under Article 16(4), reservation to the Backward Classes is permissible only at the time of initial recruitment and not in promotion. The petitioners say that contrary to the said judgment delivered on 16.11.1992, Parliament enacted the Constitution (Seventy-seventh Amendment) Act, 1995. By the said amendment, Article 16(4-A) was inserted, which

reintroduced reservation in promotion. The Constitution (Seventy-seventh Amendment) Act, 1995 is also challenged by some of the petitioners. The petitioners say that if accelerated seniority is given to the roster-point promotees, the consequences would be disastrous. A roster-point promotee in the graduate stream would reach the 4th level by the time he attains the age of 45 years. At the age of 49, he would reach the highest level and stay there for nine years. On the other hand, the general merit promotee would reach the 3rd level out of 6 levels at the age of 56 and by the time, he gets eligibility to the 4th level, he would have retired from service. The petitioners say that the consequences of the impugned 85th Amendment which provides for reservation in promotion, with consequential seniority, would result in reverse discrimination in the percentage of representation of the reserved category officers in the higher cadre.

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107. It is important to bear in mind the nature of constitutional amendments. They are curative by nature. Article 16(4) provides for reservation for Backward Classes in cases of inadequate representation in public employment. Article 16(4) is enacted as a remedy for the past historical discriminations against a social class. The object in enacting the enabling provisions like Articles 16(4), 16(4-A) and 16(4-B) is that the State is empowered to identify and recognise the compelling interests. If the State has quantifiable data to show backwardness and inadequacy then the State can make reservations in promotions keeping in mind maintenance of efficiency which is held to be a

constitutional limitation on the discretion of the State in making reservation as indicated by Article 335. As stated above, the concepts of efficiency, backwardness, inadequacy of representation are required to be identified and measured. That exercise depends on availability of data. That exercise depends on numerous factors. It is for this reason that enabling provisions are required to be made because each competing claim seeks to achieve certain goals. How best one should optimise these conflicting claims can only be done by the administration in the context of local prevailing conditions in public employment. This is amply demonstrated by the various decisions of this Court discussed hereinabove. Therefore, there is a basic difference between "equality in law" and "equality in fact" (see Affirmative Action by William Darity). If Articles 16(4-A) and 16(4-B) flow from Article 16(4) and if Article 16(4) is an enabling provision then Articles 16(4-A) and 16(4-B) are also enabling provisions. As long as the boundaries mentioned in Article 16(4), namely, backwardness, inadequacy and efficiency of administration are retained in Articles 16(4-A) and 16(4-B) as controlling factors, we cannot attribute constitutional invalidity to these enabling provisions. However, when the State fails to identify and implement the controlling factors then excessiveness comes in, which is to be decided on the facts of each case. In a given case, where excessiveness results in reverse discrimination, this Court has to examine individual cases and decide the matter in accordance with law. This is the theory of "guided power". We may once again repeat that equality is not violated by mere conferment of power

but it is breached by arbitrary exercise of the power conferred.

108. *Applying the above tests to the proviso to Article 335 inserted by the Constitution (Eighty-second Amendment) Act, 2000 we find that the said proviso has a nexus with Articles 16(4-A) and 16(4-B). Efficiency in administration is held to be a constitutional limitation on the discretion vested in the State to provide for reservation in public employment. Under the proviso to Article 335, it is stated that nothing in Article 335 shall prevent the State to relax qualifying marks or standards of evaluation for reservation in promotion. This proviso is also confined only to members of SCs and STs. This proviso is also conferring discretionary power on the State to relax qualifying marks or standards of evaluation. Therefore, the question before us is—whether the State could be empowered to relax qualifying marks or standards for reservation in matters of promotion. In our view, even after insertion of this proviso, the limitation of overall efficiency in Article 335 is not obliterated. Reason is that "efficiency" is a variable factor. It is for the State concerned to decide in a given case, whether the overall efficiency of the system is affected by such relaxation. If the relaxation is so excessive that it ceases to be qualifying marks then certainly in a given case, as in the past, the State is free not to relax such standards. In other cases, the State may evolve a mechanism under which efficiency, equity and justice, all three variables, could be accommodated. Moreover, Article 335 is to be read with Article 46 which provides that the State shall promote with special care the educational and economic interests of the weaker sections of the*

people, and in particular, of the Scheduled Castes and Scheduled Tribes, and shall protect them from social injustice. Therefore, where the State finds compelling interests of backwardness and inadequacy, it may relax the qualifying marks for SCs/STs. These compelling interests however have to be identified by weighty and comparable data.

109. In conclusion, we reiterate that the object behind the impugned constitutional amendments is to confer discretion on the State to make reservations for SCs/STs in promotions subject to the circumstances and the constitutional limitations indicated above.

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121. The impugned constitutional amendments by which Articles 16(4-A) and 16(4-B) have been inserted flow from Article 16(4). They do not alter the structure of Article 16(4). They retain the controlling factors or the compelling reasons, namely, backwardness and inadequacy of representation which enables the States to provide for reservation keeping in mind the overall efficiency of the State administration under Article 335. These impugned amendments are confined only to SCs and STs. They do not obliterate any of the constitutional requirements, namely, ceiling limit of 50% (quantitative limitation), the concept of creamy layer (qualitative exclusion), the sub-classification between OBCs on one hand and SCs and STs on the other hand as held in Indra Sawhney, 1992 Supp (3) SCC 217, the concept of post-based roster with inbuilt concept of replacement as held in R.K. Sabharwal, (1995) 2 SCC 745.

122. We reiterate that the ceiling limit of 50%, the concept of creamy layer and the compelling reasons, namely,

backwardness, inadequacy of representation and overall administrative efficiency are all constitutional requirements without which the structure of equality of opportunity in Article 16 would collapse.

123. However, in this case, as stated above, the main issue concerns the "extent of reservation". In this regard the State concerned will have to show in each case the existence of the compelling reasons, namely, backwardness, inadequacy of representation and overall administrative efficiency before making provision for reservation. As stated above, the impugned provision is an enabling provision. The State is not bound to make reservation for SCs/STs in matters of promotions. However, if they wish to exercise their discretion and make such provision, the State has to collect quantifiable data showing backwardness of the class and inadequacy of representation of that class in public employment in addition to compliance with Article 335. It is made clear that even if the State has compelling reasons, as stated above, the State will have to see that its reservation provision does not lead to excessiveness so as to breach the ceiling limit of 50% or obliterate the creamy layer or extend the reservation indefinitely.

124. Subject to the above, we uphold the constitutional validity of the Constitution (Seventy-seventh Amendment) Act, 1995; the Constitution (Eighty-first Amendment) Act, 2000; the Constitution (Eighty-second Amendment) Act, 2000 and the Constitution (Eighty-fifth Amendment) Act, 2001."

3.3. The Hon'ble Supreme Court of India in *Jarnail Singh Vs. Lachhmi Narain Gupta, (2018) 10 SCR 663* refused to

refer *M. Nagaraj (supra)* to larger bench by recording thus:

> *"1. The present group of cases arises out of two reference orders— the first by a two-Judge Bench referred to in a second reference order, dated 15.11.2017, which is by a three-Judge Bench, which has referred the correctness of the decision in M. Nagaraj Vs. Union of India, (2006) 8 SCC 212, ("Nagaraj"), to a Constitution Bench.*
>
> ***
>
> *21. Thus, we conclude that the judgment in Nagaraj (supra) does not need to be referred to a seven–Judge Bench. However, the conclusion in Nagaraj (supra) that the State has to collect quantifiable data showing backwardness of the Scheduled Castes and the Scheduled Tribes, being contrary to the nine-Judge Bench in Indra Sawhney Vs. Union of India (Indra Sawhney 1), (1992) Suppl. 3 SCC 217 = (1992) 2 Suppl. SCR 454 is held to be invalid to this extent."*

3.4. In *Pravakar Mallick Vs. State of Odisha, (2020) 5 SCR 222* it has been observed as follows:

> *"12. In view of the judgments as referred above, in this case, it is to be noticed that after Constitution (Eighty-Fifth) Amendment Act, 2001, amending Article 16(4A) of the Constitution which enabled the State to extend the benefit of promotion with consequential seniority by examining the adequacy of representation to scheduled castes and scheduled tribes in the State services, the State of Orissa has not made any provision, either by way of legislation*

or by an executive order, to extend such benefit in the Class-I Services. The advocate for State specifically admitted that the Govt. has not issued any executive order or has passed any legislation. The Government Resolution dated 20.03.2002 is issued merely based on the instructions issued by the Government of India, without examining the adequacy of representation in posts. As is evident from the order of the High Court, the State in its counter affidavit has taken the stand that there is no necessity for bringing out any law to extend the benefit of seniority for those who are promoted in reserved vacancies. Government Resolution dated 20.03.2002 can neither be termed as law made in exercise of enabling power of the State under Article 16(4A), nor does it satisfy the parameters laid down in the various decisions of this Court. The Resolution has no legal basis. The Seniority/Gradation List dated 16.05.2001 of OAS-I (JB) was prepared correctly by following the ratio laid down by this Court and in absence of any law or decision by way of executive order based on acceptable material for conferring additional benefit of consequential seniority, the Gradation List dated 03.03.2008 was prepared by altering the positions which were maintained in the List dated 16.05.2001. While it is open for the State to confer benefit even through an executive order by applying mandatory requirements as contemplated under Article 16(4A) but the Resolution dated 20.03.2002 is merely issued by referring to the instructions of the Union of India without examining the adequacy of representation in promotional posts, as held by this Court.

13. *Further, the submission of the learned counsel— Sri A. Subba Rao— that the benefit of reservation in*

promotion is given in the services of OAS-I for scheduled caste and scheduled tribe officers as per Section 10 of Orissa Act 38 of 1975, but same cannot be countenanced for the reason that such Act was enacted by the State of Orissa in the year 1975 but no provision is brought to our notice in such Act for giving the benefit of seniority for the promotees who were promoted in reserved vacancies. In absence of any provision in the said Act for conferring the benefit of seniority, and in absence of any amendment after Constitution (Eighty-Fifth) Amendment Act of 2001, by which Article 16(4A) was amended, benefit of seniority cannot be extended relying on Section 10 of the Act. In view of the stand of the respondent-State in the counter affidavit filed in the writ petition and further in view of the submission made by the learned counsel for the State of Orissa that no benefit of seniority was extended by any State Act or by any executive order by examining adequate representation in terms of Article 16(4A) of the Constitution, we do not find any merit in this appeal so as to interfere with the well reasoned judgment of the High Court. The judgment of this Court rendered in the case of Jarnail Singh, (2018) 10 SCC 396 relied on by the learned counsel for the appellants also would not take any further the case of the appellants. In the said judgment also for giving the benefit of promotion with consequential seniority, the need to examine adequate representation in posts in terms of the judgment of this Court in the case of M. Nagaraj, (2006) 8 SCC 212 is maintained. As such, the said judgment would not render any assistance for the case of appellants.

14. For the aforesaid reasons, the appeal is dismissed with no order as to costs."

3.5. This Court is also taken to have regard to *Union of India Vs. G. Kiran, (2026) 1 SCR 141* which was rendered in the context of appointments and entry into the Government Service, in contrast with the scope of consideration for promotion *vis-a-vis* reserved candidate to be adjusted against unreserved posts. In the said reported case it has been stated thus:

"32. Similarly, this court in Niravkumar Dilipbhai Makwana Vs. Gujarat Public Service Commission (2019) 9 SCR 47 while considering an identical factual situation involving a circular barring consideration of reserved category candidates on unreserved posts observed as under:

'22. Article 16(4) of the Constitution is an enabling provision empowering the State to make any provision or reservation of appointments or posts in favour of any backward class of citizens which in the opinion of the State is not adequately represented in the service under the State. It is purely a matter of discretion of the State Government to formulate a policy for concession, exemption, preference or relaxation either conditionally or unconditionally in favour of the backward classes of citizens. The reservation being the enabling provision, the manner and the extent to which reservation is provided has to be spelled out from the orders issued by the Government from time to time.

***

23. In the instant case, the State Government has framed policy for the grant of reservation in favour of SC/ST and OBC by the Circulars dated 21.01.2000 and 23.07.2004. The State Government has clarified that when a relaxed standard is applied in selecting a candidate for SC/ST, SEBC category in the age-limit, experience, qualification, permitting number of chances in the written examination, etc., then candidate of such category selected in the said manner, shall have to be considered only against his/her reserved post. Such a candidate would be deemed as unavailable for consideration against unreserved post.

***

34. There is also no merit in the submission of the learned counsel for the appellant that relaxation in age at the initial qualifying stage would not fall foul of the Circulars dated 29.01.2000 and 23.07.2004. The distinction sought to be drawn between the preliminary and final examination is totally misconceived. It is evident from the advertisement that a person who avails of an age relaxation at the initial stage will necessarily avail of the same relaxation even at the final stage. We are of the view that the age relaxation granted to the candidates belonging to SC/ST and SEBC category in the instant case is an incident of reservation under Article 16(4) of the Constitution of India.'

The Court affirming the proposition of law stated that once relaxation has been taken by a reserved category candidate, they cannot be considered for unreserved vacancies. Inescapably, the aforesaid judgement also strengthens the view taken by us hereinabove interpreting the rules that if a reserved category candidate takes benefit of relaxation though at initial stage, it will effectively amount to taking relaxation even at the final stage of the selection process because without giving relaxation to him, he was not in a position to participate in the Main examination and to set forth his claim of cadre allocation.

33. *Very recently in Union of India Vs. Sajib Roy, (2025) 9 SCR 542, this court had the occasion to deal with a similar factual matrix as observed hereunder:*

> *'32. On an analysis of the aforecited cases, we summarise as follows:*
>
> *Whether a reserved candidate who has availed relaxation in fees/upper age limit to participate in open competition with general candidates may be recruited against unreserved seats would depend on the facts of each case. That is to say, in the event there is no embargo in the recruitment rules/employment notification, such reserved candidates who have scored higher than the last selected unreserved candidate shall be entitled to migrate and be recruited against unreserved seats. However, if an embargo is imposed under relevant recruitment rules, such reserved candidates shall not be permitted to migrate to general category seats.*

***

33. *Accordingly, we hold as the respondents-writ petitioners had availed concession of age for participating in the recruitment process, in the teeth of office memorandum dated 01.07.1998, the High Court was wrong in applying the ratio in Jitendra Kumar (supra) and permitting them to be considered for appointment in the unreserved category. Consequently, we set aside the common impugned judgment and order dated 12.10.2018 and order dated 26.02.2019 and allow the appeals. Pending application(s) if any, stand disposed of.'*

34. *At this stage, pertinently the judgements relied upon by the learned senior counsel for Respondent No.1 in their support are necessarily required to be appreciated. In Jitendra Kumar Singh Vs. State of U.P., (2010) 1 SCR 325, this court while considering whether an OBC candidate who applied exercising his option as a reserved category candidate, would be eligible to be considered against an unreserved vacancy, if he secures more marks than the last candidate in general category. Nonetheless, in the said case, this court was considering the issue in reference to instructions issued by the State of Uttar Pradesh dated 25.03.1994 which specifically provided for migration of reserved category candidates to unreserved vacancies despite they having availed any facility or relaxation (like relaxation in age limit) available to reserved category. Therefore, it is distinguishable on facts of the present appeals."*

3.6. In order to appreciate core issue involved in the matters of adjustment of unreserved vacancies, regard may be had to following observations made in *The West Bengal State Electricity Transmission Co. Ltd Vs. Dipendu Biswas, (2026) 4 SCR 600*:

> *"20. In view of the multifaceted nature of reservation in India, a unique service law jurisprudence spurred by Constitutional mandate has emerged. Reservations have been classified into two categories, namely, vertical and horizontal, with respect to which certain judicial norms have evolved through a series of landmark decisions. The definitions and interrelationship between the two kinds of reservations have been succinctly described in the landmark case of Indra Sawhney Vs. Union of India, (1992) Supp. 2 SCR 454 = (1992) Supp. 3 SCC 217, in the following words:*
>
> > *'812. *** the reservations in favour of Scheduled Castes, Scheduled Tribes and other backward classes [under Article 16(4)] may be called vertical reservations whereas reservations in favour of physically handicapped [under clause (1) of Article 16] can be referred to as horizontal reservations. Horizontal reservations cut across the vertical reservations— that is called inter-locking reservations. To be more precise, suppose 3% of the vacancies are reserved in favour of physically handicapped persons; this would be a reservation relatable to clause (1) of Article 16. The persons selected against this quota will be placed in the appropriate category; if he belongs to S.C. category he will*

*be placed in that quota by making necessary adjustments; similarly, if he belongs to open competition (O.C.) category, he will be placed in that category by making necessary adjustments. Even after providing for these horizontal reservations, the percentage of reservations in favour of backward class of citizens remains— and should remain— the same. ***'*

21. *In respect of vertical reservation, the social reserved category posts are to be filled by the candidates belonging to that social category only and not by others. However, with reference to the Unreserved or Open category posts, there is no such restrictions as it could be filled up by anyone from any category and there could be movement from one reserved category to the Unreserved category based on merit, which is called mobility in reservation. This movement from a reserved category to the unreserved, however, will not affect the quota for the reserved category. This principle has been indicated by this Court in Indra Sawhney (supra) in the following words:*

"811. In this connection it is well to remember that the reservations under Article 16(4) do not operate like a communal reservation. It may well happen that some members belonging to, say, Scheduled Castes get selected in the open competition field on the basis of their own merit; they will not be counted against the quota reserved for Scheduled Castes; they will be treated as open competition candidates.'

22. *This legal position pertaining to social (vertical) reservation, mobility and special (horizontal) reservation has taken firm roots and has been restated in clear terms in the case of Saurav Yadav Vs. State of U.P., (2021) 4 SCC 542 as follows:*

"59. The features of vertical reservations are:

59.1. They cannot be filled by the open category, or categories of candidates other than those specified and have to be filled by candidates of the social category concerned only (SC/ST/OBC).

59.2. Mobility ("migration") from the reserved (specified category) to the unreserved (open category) slot is possible, based on meritorious performance.

59.3. In case of migration from reserved to open category, the vacancy in the reserved category should be filled by another person from the same specified category, lower in rank.

59.4. If the vacancies cannot be filled by the specified categories due to shortfall of candidates, the vacancies are to be "carried forward" or dealt with appropriately by rules.

60. Horizontal reservations on the other hand, by their nature, are not inviolate pools or carved in stone. They are premised on their overlaps and are "interlocking" reservations [The expression used by B.P. Jeevan Reddy, J., in Indra Sawhney Vs. Union of India, 1992 Supp (3) SCC 217. As a sequel, they are to be calculated concurrently and along with the inviolate

"vertical" (or "social") reservation quotas, by application of the various steps laid out with clarity in para 21.3. The first rule that applies to filling horizontal reservation quotas is one of adjustment i.e. examining whether on merit any of the horizontal categories are adjusted in the merit list in the open category, and then, in the quota for such horizontal category within the particular specified/ social reservation.

23. *In the horizontal reservation there is also the concept of overall reservation and compartmental horizontal, which has been explained in Anil Kumar Gupta v. State of U.P., (1995) Supp. 2 SCR 396 = (1995) 5 SCC 173 in the following manner:*

> *'15. On a careful consideration of the revised notification of 17.12.1994 and the aforementioned corrigendum issued by the Lucknow University, we are of the opinion that in view of the ambiguous language employed therein, it is not possible to give a definite answer to the question whether the horizontal reservations are overall reservations or compartmentalised reservations. We may explain these two expressions. Where the seats reserved for horizontal reservations are proportionately divided among the vertical (social) reservations and are not inter-transferable, it would be a case of compartmentalised reservations. We may illustrate what we say: take this very case; out of the total 746 seats, 112 seats (representing fifteen per cent) should be filled by special reservation candidates; at the same time, the social reservation in favour of Other Backward*

Classes is 27% which means 201 seats for OBCs; if the 112 special reservation seats are also divided proportionately as between OC, OBC, SC and ST, 30 seats would be allocated to the OBC category; in other words, thirty special category students can be accommodated in the OBC category; but say only ten special reservation candidates belonging to OBC are available, then these ten candidates will, of course, be allocated among OBC quota but the remaining twenty seats cannot be transferred to OC category (they will be available for OBC candidates only) or for that matter, to any other category; this would be so whether requisite number of special reservation candidates (56 out of 373) are available in OC category or not; the special reservation would be a watertight compartment in each of the vertical reservation classes (OC, OBC, SC and ST). As against this, what happens in the overall reservation is that while allocating the special reservation students to their respective social reservation category, the overall reservation in favour of special reservation categories has yet to be honoured. This means that in the above illustration, the twenty remaining seats would be transferred to OC category which means that the number of special reservation candidates in OC category would be 56 + 20 = 76. Further, if no special reservation candidate belonging to SC and ST is available then the proportionate number of seats meant for special reservation candidates in SC and ST also get transferred to OC category. The result would be that 102

special reservation candidates have to be accommodated in the OC category to complete their quota of 112. The converse may also happen, which will prejudice the candidates in the reserved categories. It is, of course, obvious that the inter se quota between OC, OBC, SC and ST will not be altered.'

24. In the present case, though the reservation pattern as indicated in the advertisement is of compartmentalised reservation, it may not be necessary to dwell on that aspect much further, as the issue involved in the present case is only about the mobility of a PWD-LV candidate from a reserved category of OBC-A to the Unreserved horizontal category of UR(PWD-LV)."

4. With the above backdrop, in W.A. No.468 of 2026, the following questions are posed for adjudication:

a. Whether the appellants who were initially appointed in reserved category and availed subsequent promotion in reserved category can now be promoted against the unreserved vacancies?

b. Whether the clarification dated 06.05.2024 is in consonance with *R.K. Sabharwal Vs. State of Punjab, AIR 1995 SC 1371* and other subsequent judgments rendered by the Hon'ble Supreme Court of India?

c. Whether in absence of quantifiable data in terms of Article 16(4A) as held by the Hon'ble Supreme Court of India in the case of *M. Nagaraj Vs. Union of India, (2006) 8 SCC 212* and *Pravakar Mallick Vs. State of Odisha, AIR 2020 SC 2122*, can reserved category candidate be promoted against the post meant for unreserved, particularly in the State of Odisha?

d. Whether any circular or executive instruction can supersede the mandate as required under the Article 16(4-A) of the Constitution of India?

e. Whether a judgment passed by the co-ordinate bench ignoring the law laid down by the Hon'ble Supreme Court of India is a binding precedent under Article 141 of India?

5. Taking the issue at Question No.(c) above first in the considered opinion of this Court would suffice to test the correctness of the view expressed by the learned Single Judge.

5.1. Seniority of an employee is one of the criteria for promotion. The employee/candidate coming under the zone of consideration has promotional avenue irrespective of his/her category. It is vehemently argued that since merit-*cum*-seniority is vital consideration for promotion, merit is required to be assessed in

accordance with the entries in the CCR of such employee. Seniority could be ascertained from the gradation list maintained by the department concerned. What is pointed out by the learned Senior Counsels is that after taking cognizance of legal perspective laid down by the Hon'ble Supreme Court of India in *B K Pavitra Vs. Union of India (2017) 4 SCC 620 = (2017) 1 SCR 631* and *B K Pavitra Vs. Union of India, (2019) 7 SCR 1086* the learned Single Judge has proceeded erroneously to hold that *"reserved category candidates are not eligible to get the benefit of promotion after getting the benefit of promotion as per the roster point so fixed and decided in the case of R.K. Sabharwal Vs. State of Punjab, (1995) 2 SCC 745 = (1995) 2 SCR 35. Accordingly, impugned communication issued by opposite party No.3 on 06.05.2024 in permitting scheduled caste and scheduled tribe candidates to get the benefit of promotion against unreserved vacancies on own merit is not sustainable in the eye of law"*. Such perception of the learned Single Judge is stated to be on a misconceived notion on the basis of the fact admitted in the case of *Pravakar Mallick Vs. State of Odisha, (2020) 5 SCR 222* to the extent that the State of Odisha had no quantifiable data collected to ascertain the adequacy/inadequacy of representation of scheduled tribe and scheduled caste candidates in any post.

5.2. In course of hearing, this Court was brought to the notice the following Order issued by the Tribal Welfare Department:

"Tribal Welfare Department
ORDER
The 15th March 1994

S.R.O. No.244/1994—

In exercise of the powers conferred by sub-section(2) of Section 4 of the Orissa Reservation of Vacancies in Posts and Services (for Scheduled Castes and Scheduled Tribes) Act, 1975 (Orissa Act 38 of 1975) and in supersession of the order of the Government of Orissa in the erstwhile Harijan & Tribal Welfare Department No.3989, dated the 15th February 1983, the State Government do hereby determine that the reservation of vacancies in posts and services in the case of initial recruitment as well as promotion—

(i) for the Scheduled Castes shall be at 16.25 per cent; and

(ii) for the Scheduled Tribes shall be at 22.50 per cent of the total number of vacancies.

[No.9144-Emp.(V)-18/94-(T.W.)]
By order of the Governor
M. K. PURKAIT
Commissioner-cum-Secretary
to Goverrnment"

5.3. It may be worthwhile to appreciate the argument advanced by the Senior Advocates for the appellants that the learned Single Judge has returned a finding that it

was only the General Administration and Public Grievances Department, Government of Odisha which being the competent authority can issue clarification relating to interpretation of the rules contained under the Odisha Civil Services (Criteria for Promotion) Rules, 1992, is an incorrect approach. This apart, the Odisha Engineering Service (Method of Recruitment and Conditions of Service) Rules, 2012, and the Odisha Reservation of Vacancies in Posts and Services (for Scheduled Castes and Scheduled Tribes) Act, 1975 are also to be harmoniously construed juxtaposed with the provisions contained in the Odisha Civil Services (Criteria for Promotion) Rules, 1992. This Court finds force in such submission and in any view of the matter, the General Administration and Public Grievances Department, Government of Odisha, on 10.04.2023 has elucidated by way of a clarification taking into account the Orissa Civil Services (Zone of Consideration for Promotion) Rules, 1988 as also the Odisha Civil Services (Criteria for Promotion) Rules, 1992 referring to a query by the Water Resources Department. Relevant portion of said clarification as enclosed to W.A. No.468 of 2026 at Annexure-15 is reproduced herein below:

"Government of Odisha
General Administration and
Public Grievances Department
No.10094/GAD-SC-GCS-0064-2023/Gen. Bhubaneswar,
Dated the 10th April, 2023

To

The Special Secretary to Government,
Water Resources Department.

Sub: Clarification on 'zone of consideration and criteria for promotion 'for compliance of court orders passed in favour of Assistant Engineers (Civil) belonging to Scheduled Caste Category of this Department regarding their promotion to the rank of Assistant Executive Engineer (Civil) against unreserved vacancy on merit-cum-seniority basis.

Sir,

In inviting reference to your Letter No.3821/WR, dated 13.02 2023 on the subject cited above, I am directed to clarify the following points:

Sl. No.	*Question*	*Clarification*
3	*A detailed description on 'own merit by direct recruitment and own merit by promotion' and how to determine the merit between two employees:* *i) When they belong to same batch in same grade i.e.,*	*In this respect, the considered views of Law Department has been received as at (NIL Noting 9-10, Page1) which is reproduced below:* *i) The reserved category officers who have availed reservation in appointment and falling in seniority/merit above the last unreserved candidate could be promoted against unreserved vacancy treating them as 'own merit'.*

	one employee belonging to SC/ST category appointed against UR vacancy and placed above another employee belonging to General Caste category appointed against UR vacancy. *ii) When they belong to two different batches in same grade i.e., one employee belonging to SC/ST category appointed against SC/ST vacancy*	*ii) Scheduled Caste/ Scheduled Tribe candidates appointed on their own merit can be considered for promotion and adjusted against the unreserved vacancies. Similarly, SC/ST candidates who have availed reservation in appointment and falling in seniority/merit above the last unreserved candidate could be promoted against unreserved vacancy.* *iii) Senior reserved category candidates (not appointed on their own merit) in the gradation would be considered in zone of consideration for unreserved vacancies.* *It is mentioned here that where junior vertical reservation candidates like SEBC, Ex-Servicemen & General R.A. appointees (who are Junior in feeder Cadre to SC & ST candidates) avail UR posts in promotion. Now it is prudent enough to say the senior/merit SC & ST candidates can avail the UR post in promotion because UR*

	from earlier batch and placed above another employee belonging to General Caste category appointed against UR vacancy from later batch.	*is not a category in itself and it is open to all the so-called reserved categories, even an SC/ST/OBC candidate can be considered under the unreserved post on his/her own merit/seniority.* *It is well articulated in Criteria for Promotion Rules, 1992, that:* *(a) All promotions to the posts or grades of different Services/Civil posts under the State Government shall be made by selection;* *(b) Selection for such promotion shall be made on the basis of merit and suitability in all respects with due regard to seniority and the names of persons included in the select list shall be arranged in order of seniority in the feeder service or grade:* *Provided that any junior officer of exceptional merit and suitability may be assigned a place higher than his seniors and in such cases the assignment of higher position to the junior officer shall be limited to the same*

		batch or year of allotment except where an officer of the earlier batch; or year of allotment is found unsuitable for promotion.

5.4. It is highlighted that Annexure-21 enclosed with the writ appeal, bearing W.A. No.446 of 2026, would indicate that a *"Report on quantification of data regarding the SCs and STs with regard to inadequate representation in Government Services and Overall Administrative efficiency of Government machineries in the Light of Reservations in Government Services in Odisha"* was published by the Scheduled Tribe and Scheduled Caste Development Department, Government of Odisha on 26.06.2019. It is abundantly unequivocal from Chapter-I: Introduction of said Report that:

"1.1 Background:

This report is prepared by the Scheduled Caste and Scheduled Tribe Development Department, Government of Odisha for submission to General Administration Department pursuant to the judgment dt. 26.09.2018 of Hon'ble Supreme Court in Special Leave Petition (Civil) No.30621 of 2011 filed by Jarnail Singh and others Vrs Lachhmi Narain Gupta & others along with SLP (C) No. 31735 of 2011 and SLP(C) No. 22985 of 2018 and a number of similar Leave Petitions clubbed together which gave the ruling that the 77th & 85th Constitutional amendments are constitutionally valid and that these are enabling provisions and States will have to make out a case for providing reservations in promotion with

consequential seniority based on quantifiable data that such reservation became necessary on account of inadequacy of representation of Scheduled Castes/ Scheduled Tribes in a particular class or classes of posts without affecting the general efficiency of service as mandated under Article 335 of the Constitution. In the light of such a judgment pronounced by the Hon'ble Supreme Court, it is incumbent on the part of the State Government to prepare a report indicating the following two components:

I. Quantifiable data indicating inadequacy of representation of Scheduled Castes and Scheduled Tribes in Government Services.

II. Observations on overall Administrative Efficiency of Government is Machinery in the Light of Reservations in Government Services in Odisha.

Government of Odisha has made an effort to come up with a report basing on the data provided by various Government Departments as on 31.03.2015 in respect of the above two components which was collected in compliance with the requirement of the judgement of the Hon'ble Supreme Court in M. Nagraj case versus Union of India & Others."

5.5. A reading of the said report reveals that relevant data were compiled from census records, statistical handbooks, National Family Health Survey Data, National Sample Surveys, and various other prominent publications to outline the demography of the State of Odisha; but so far as data pertaining to representation of Scheduled Castes and Scheduled Tribes in Government

Services and particularly in promotional posts is concerned, information from 42 Administrative Departments including Odisha Legislative Assembly Secretariat and 137 Heads of the Departments (including 12 composite Directorates/Offices) was sought for. Similarly, to examine the administrative efficiency of Government machinery in the light of reservations in Government Services in Odisha, separate format was designed and information from various Administrative Departments was also sought for.

5.6. The Report further makes it clear that more than 93% Departments have furnished full data and 5.59 percent Departments have submitted partial data in respect of filling up of posts which was fairly statistically representative. Inferences could be drawn therefrom. 100% data on representation of ST & SC communities in their earmarked posts was not captured in the said report since around 5.59% Departments have submitted only partial data. Nonetheless, for preparing a State-wide Report of this nature, having more than 90% of the available data, made the report fairly representative of the factual position.

5.7. After collation of data from different sources and determining the ratio of population taking into account demographic criteria, at paragraph 6.4 the following conclusion has been recorded:

"6.4 Conclusion:

Thus, from the above analysis of facts and statistics, it is clear that the Scheduled Castes and Scheduled Tribes suffer from a large number of socio-economic disabilities and they have inadequate representation in Government services both in direct recruitment posts and also in the promotional posts. However, the data collected from the administrative departments further shows that there is no adverse impact of representation of Scheduled Castes and Scheduled Tribes in Government jobs, particularly in case of promotional posts. In other words, reservation of posts has no bearing on the administrative inefficiency in the State of Odisha as is revealed from the available data."

5.8. Annexures appended to above Report would transpire *inter alia* quantifiable data of different categories and percentage of representation in the sanctioned posts.

6. Having thus considered the material made available on record, on examination of the decision rendered by the learned Single Judge *vide* judgment dated 22.01.2026 reported at *2026 ILR-CUT ONLINE 1303* it is glaring that *"Report on quantification of data regarding the SCs and STs with regard to inadequate representation in Government Services and Overall Administrative efficiency of Government machineries in the Light of Reservations in Government Services in Odisha"* as prepared by the ST and SC Development Department could not be taken into consideration by the learned Single Judge. On verification of record pertaining to W.P.(C) No.13600 of 2025 (corresponding to W.A. No.446

of 2026), it is discernible that no such Report was submitted before the learned Single Judge for consideration.

6.1. Conjoint reading of Paragraph 9.3 and Paragraph 9.4 of the impugned judgment rendered by the learned Single Bench seems to percolate that in absence of quantifiable data, the Clarification dated 06.05.2024[9] issued by the Scheduled Tribe and Scheduled Caste Development, Minorities and Backward Classes Welfare Department cannot be sustained being contrary to the provisions contained under Rule 6 of the Odisha Civil Services

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[9] Clarification dated 06.05.2024 stood thus:

"Government of Odisha
ST & SC Development, Minorities &
Backward Classes Welfare Department
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No.9838/STSCD-RP-Policy-0012-2013/SSD Bhubaneswar, Dated 06.05.2024

From

Ms. Roopa Roshan Sahoo, IAS
Commissioner-cum-Secretary to Government
The Additional Chief Secretarieis/Principal Secretaries/
Commissioner-cum-Secretaries to Government
All Departments

Sub: Clartfication on the concept of 'own merit' in direct recruitment/promotion

Madam/Sir,

In inviting a reference to the subject mentioned above, I am to say that a clarification was sought from the Law Department with respect to the concept of 'own merit' In promotion to the unreserved vacancies from among the reserved category candidates in the gradation list. The Law Department, after taking into consideration the various case matters has elucidated in detail the above point. The detailed views of the Law Department issued on 27.02.2024 is enclosed herewith for inference, and necessary action of all Departments.

Further, DoPT, Government of India vide OM No.36012/16/2019-Estt. (Res.) dated 12.04.2022 (copy enclosed) has clarified that in the judgment dated 28.01.2022 in the case of Jarnail Singh and Ors. Vs. Lachhmi Narain Gupta and Ors, which currently holds the field, the Supreme Court has set out conditions that are to be satisfied by the Government in order to implement the policy of reservation in promotions. The same has to be ensured before the DPC, by all the Departments for avoiding any legal complications in future.

This is for your kind information and necessary action.

Yours faithfully,
Commissioner-cum-Secretary
to Government"

(Criteria for Promotion) Rules, 1992[10] as well as Article 154 and Article 162 of the Constitution of India and having observed so, the learned Single Judge held the impugned clarification issued on 06.05.2024 directed to be followed as circulated by way of communication dated 27.02.2025 basing on the opinion of the Law Department on 27.02.2024 is not tenable in the eye of law and, quashed the same. Nevertheless, this Court, as observed in the foregoing paragraphs that, the learned Single Judge being not apprise of elaborate *"Report on quantification of data regarding the SCs and STs with regard to inadequate representation in Government Services and Overall Administrative efficiency of Government machineries in the Light of Reservations in Government Services in Odisha"* as prepared by the Scheduled Tribes and Scheduled Castes Development Department on 26.06.2019, he had no occasion to deal with the issue raised by the respective parties in proper perspective. Therefore, this Court does perceive that the appellants have made out a case for reconsideration of the merit of the writ petition(s) afresh on each point.

7. It is emphasised at the Bar that the Odisha Reservation of Vacancies in Posts and Services (for Scheduled Castes and Scheduled Tribes) Act, 1975, is not under challenge.

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10 Rule 6 of the Odisha Civil Services (Criteria for Promotion) Rules, 1992, reads as follows:

"6. If any doubt arises on interpretation of any of the provisions of these rules, it shall be referred to Government in General Administration Department for final decision."

Further, the policy of promotion *vis-a-vis* Conditions of Service Rules is unique for each of the Departments in the Government and each case is required to be considered on its own context and merit. To illustrate, it is pointed out that the employees in W.A. No.46 of 2026 (relating to W.P.(C) No.13600 of 2025) are guided by the Odisha District Revenue Service (Method of Recruitment and Conditions of Service) Rules, 1983, whereas the employees in W.A. No.440 of 2026 are governed by the Odisha Diploma Engineers' Service (Methods of Recruitment & Conditions of Service) Rules, 2012. Under the above premise, very many writ petitions involving different departments having different sets of Conditions of Service Rules could not have been disposed of by a common judgment dated 22.01.2026. Therefore, the said judgment deserves intervention.

8. In view of aforesaid discussions, it is not appropriate to address all the points as posed by the learned Senior Counsel appearing for respective parties as this Court deems it proper to leave the same for fresh adjudication as this Court is inclined to interfere with the judgment of learned Single Judge bearing in mind the legal position as settled by the Hon'ble Supreme Court of India and that the learned Single Judge did not have the occasion to examine the effect and impact of *"Report on quantification of data regarding the SCs and STs with regard to inadequate representation in Government*

Services and Overall Administrative efficiency of Government machineries in the Light of Reservations in Government Services in Odisha" as prepared by the Scheduled Tribes and Scheduled Castes Development Department on 26.06.2019. Hence, it is felt apposite to set aside the impugned judgment dated 22.01.2026 in batch of matters being *Hiranmayee Nayak Vs. State of Odisha, W.P.(C) No.7674 of 2025,* reported at *2026 ILR-CUT ONLINE 1303,* and this Court does so.

8.1. Having set aside the judgment dated 22.01.2026 rendered in W.P.(C) Nos.7674, 3289, 4527, 4707, 4709, 4928, 5063, 6555, 6661, 6663, 6687, 6691, 7129, 7901, 8372, 8380, 8382, 8510, 8573, 8627, 8720, 8739, 8875, 9265, 9277, 9291, 9296, 9397, 9643, 9789, 9985, 10042, 10105, 10223, 10224, 10721, 10923, 11039, 12454, 12973, 13367, 13600, 14016, 14228, 15864, 15998, 16104, 16316, 18943, 18965, 19487, 19512, 19884, 21084, 21393, 22005, 22656, 23002, 23166, 23781, 24202, 24631, 25482 & 27932 of 2025, *vide Hiranmayee Nayak Vs. State of Odisha, 2026 ILR-CUT ONLINE 1303*, it is requested that the learned Single Judge may proceed with the hearing of the matters. It is open for the appellants and the respondents to present their cases independently and furnish documents and papers which they wish to rely on to buttress their contentions and arguments.

8.2. As the impugned judgment is set aside and the matter is remitted, it is not felt prudent to delve further to answer other questions as posed for adjudication by the appellants. Parties are at liberty to raise all questions by placing material particulars.

9. In the result, the writ appeals are allowed and the matters in the writ petitions are remitted for consideration afresh by the learned Single Judge. Interlocutory Application(s), pending if any, shall also stand disposed of. However, in the circumstances, there shall be no order as to costs.

(HARISH TANDON)
CHIEF JUSTICE

(MURAHARI SRI RAMAN)
JUDGE

Signature Not Verified

Digitally Signed
Signed by: ASWINI KUMAR SETHY
Designation: Personal Assistant
(Secretary-in charge)
Reason: Authentication
Location: ORISSA HIGH COURT, CUTTACK
Date: 29-Oct-2026 15:54:52