



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.A. Nos. 487 of 2024, W.A. No.818 of 2021, W.A. No.557 of 2022, WA No.1137 of 2022, W.a. No.1214 of 2022, W.A. No.1600 of 2022, W.A. No.1674 of 2022, W.A. No.89 of 2023, W.A. No.1039 of 2023, W.A. No.1154 of 2023 & W.A. No.488 of 2024

State of Odisha and another (In all)

.... *Appellants*
Mr. S. B. Mohanty, AGA

-versus-

<i>Tanmaya Kumar Sahoo & Ors.</i>	(In W.A. No. 487 of 2024)
<i>Saroj Kumar Tripathy</i>	(In W.A. No. 818 of 2021)
<i>Satyabrata Nayak & Ors.</i>	(In W.A. No. 557 of 2022)
<i>Sangram Keshari Guin and Ors.</i>	(In W.A. No. 1137 of 2022)
<i>Jyoti Ranjan Satapathy</i>	(In W.A. No. 1214 of 2022)
<i>Deepak Kumar Sahoo</i>	(In W.A. No. 1600 of 2022)
<i>Jayanta Kumar Lenka and Ors.</i>	(In W.A. No. 1674 of 2022)
<i>Tapas Ranjan Mahapatra and Ors.</i>	(In W.A. No. 89 of 2023)
<i>Arati Kumar Dash</i>	(In W.A. No. 1039 of 2023)
<i>Jagannath Behera and Anr.</i>	(In W.A. No. 1154 of 2023)
<i>Susri Sangita Sahoo</i>	(In W.A. No. 488 of 2024)

Respondents
Mr. Ramakanta Sahoo, Advocate

CORAM:
JUSTICE KRISHNA SHRIPAD DIXIT
JUSTICE CHITTARANJAN DASH

Order No. ORDER
23.02.2026

W.A. No.487/2024 & I.A. Nos.2806 of 2022, 2966 of 2022, 3751 of 2022, 3915 of 2022, 208 of 2023, 2995 of 2023 & 1224 of 2024

04. In these Appeals, the State and its functionaries calling in question the judgment dated 15.09.2021 entered by learned Single Judge's in WPC (OAC) Nos. 1102, 3219, 1613 of 2017, whereby relief has been accorded to the writ petitioners as under:



“In view of the factual and legal analysis, as discussed above, this Court, is of the considered view that the draft reject list, so far as present petitioners are concerned, cannot sustain, in the eye of law and the same is liable to be quashed and is hereby quashed. The opposite parties are directed to take into consideration the applications filed by the petitioners in the above mentioned writ petitions, allow them to participate in the process of selection, consider their case for engagement as Contract Teacher (Hindi) by re-drawing the select list and extend them all the benefits in accordance with law, as expeditiously as possible, preferably within a period of three months from the date of communication of this judgment.”

We are told at Bar that this judgment has been duplicated in rest of the matters that happen to be a bunch of cases for consideration at our hand.

2. All these Appeals by the State are filed after brooking varying periods of delay. An application supported by affidavit in individual cases has moved seeking condonation of delay. Mr. Mohanty, learned AGA submits that in terms of our order, the remittance of the delay cost has been made to the Respondent-employees individually. This has not been much disputed before us by the other side. Therefore, application having been favoured, delay stands condoned in terms of the earlier orders.

3. The jugular vein of all these Appeals is the effect of extension of cut-off date for applying for the post in question by those who had not applied under the earlier Recruitment Notification. This happened eventually because of Odisha Administrative Tribunal's order dated 17.12.2025 passed in OA No.3589 of 2014 wherein a direction was given for the extension of the upper age limit from 32 to 42 years of age. The question raised in all these Appeals need not detain us for long,



the same being no longer *res integra* vide the judgment of a Co-Ordinate Bench in Writ Appeal No.102 of 2016 between ***Biswaranjan Biswal vs. State of Orissa*** disposed off on 29.11.2022. We have the advantage of our own judgment in Writ Appeal No.1306 of 2025 between ***State of Odisha and Others vs. Nirupama Jena*** decided on 05.02.2026 wherein Paragraph 4 reads as under:

*“4. Having heard learned counsel for the parties and having perused the Appeal papers, we decline indulgence in the matter, inasmuch as the question raised is no longer res integra. The same has been stoutly answered by the Co-ordinate Bench in ***Biswajranjan*** supra, which related to the very same recruitment process and the very same corrigendum. At Paragraph-16, the Bench has observed as under:*

“16. Even the plea that the corrigendum relates back to the original advertisement overlooks the fact that as far as the present Appellants are concerned, they became qualified to apply only because of the relaxation of the upper age limit pursuant to the orders of this Court as explained hereinbefore. In other words, it is only by virtue of corrigendum that the Appellants came to apply for the post. If the corrigendum were to relate back to the original date, they would not even be qualified to apply. Therefore, as far as the three Appellants are concerned, it cannot be said that the relevant date for determining whether the Appellants possess the requisite qualification has to be the original date of 30th September 2014. It has to be the revised date in terms of the corrigendum.”

To put it succinctly all those candidates who have acquired the requisite qualification on or before the issuance of second Notification/Corrigendum would be entitled to stake their claim for selection & appointment even if such acquisition is made beyond the cut-off date mentioned in the first Recruitment Notification. An otherwise interpretation would defeat the very purpose of issuing the second



Notification/Corrigendum, for the mitigation of the job aspirants in public employment.

In view of the above, these Appeals being unworthy of merits are liable to be dismissed, and accordingly they are, cost in the circumstances, having been made easy.

The impugned orders of the learned Single Judge shall be given effect to within an outer limit of three months, without driving the Respondents to the coercive action in terms of the Contempt of the Courts Act, 1971 or the like.

Web copy of this order to be acted upon by all concerned.

(Krishna Shripad Dixit)
Judge

(Chittaranjan Dash)
Judge

AKPradhan