



IN THE HIGH COURT OF ORISSA AT CUTTACK
WP(C) No.3015 of 2025

Amit Kumar Biswal & Ors.

.....

Petitioners

Represented By Adv. –
Ms. Pami Rath

-versus-

State Of Odisha & Ors.

.....

Opposite Parties

Represented By Adv. –
Mr. Pitambar Acharya,
Advocate General

WP(C) No.3628 of 2025

Ratikant Mohapatra

.....

Petitioner

Represented By Adv. –
Mr. P.C. Dash, Adv.

-versus-

State Of Odisha & Ors.

.....

Opposite Parties

Represented By Adv. –
Mr. Pitambar Acharya,
Advocate General

WP(C) No.3703 of 2025

Situ Sahoo & Ors.

.....

Petitioners

Represented By Adv. –
Mr. A. Jamal, Adv.

-versus-

State Of Odisha & Ors.

.....

Opposite Parties

Represented By Adv. –
Mr. Pitambar Acharya,
Advocate General



WP(C) No.3908 of 2025

***Rakesh Kumar Mallick &
Ors.***

.....

Petitioners

Represented By Adv. –
Ms. S. Gumansingh,
Adv.

-versus-

State Of Odisha & Anr.

.....

Opposite Parties

Represented By Adv. –
Mr. Pitambar Acharya,
Advocate General

WP(C) No.3956 of 2025

Papun Dash & Ors.

.....

Petitioners

Represented By Adv. –
Mr. M.M. Das, Adv.

-versus-

State Of Odisha & Ors.

.....

Opposite Parties

Represented By Adv. –
Mr. Pitambar Acharya,
Advocate General

WP(C) No.3957 of 2025

Biraja Prasad Bhoi

.....

Petitioner

Represented By Adv. –
Mr. S. Swain, Adv.

-versus-

State Of Odisha & Anr.

.....

Opposite Parties

Represented By Adv. –
Mr. Pitambar Acharya,
Advocate General



WP(C) No.4094 of 2025

Paresh Kumar Ray & Ors.

.....

Petitioners

Represented By Adv. –
Mr. L. Panigrahi, Sr.
Adv.

-versus-

State Of Odisha & Ors.

.....

Opposite Parties

Represented By Adv. –
Mr. Pitambar Acharya,
Advocate General

WP(C) No.4279 of 2025

Jogeswar Maharana & Ors.

.....

Petitioners

Represented By Adv. –
Mr. P.C. Dash, Adv.

-versus-

State Of Odisha & Ors.

.....

Opposite Parties

Represented By Adv. –
Mr. Pitambar Acharya,
Advocate General

WP(C) No.4512 of 2025

Pradeep Kumar Nayak & Ors.

.....

Petitioners

Represented By Adv. –
Mr. A. Jamal, Adv.

-versus-

State Of Odisha & Ors.

.....

Opposite Parties

Represented By Adv. –
Mr. Pitambar Acharya,
Advocate General



WP(C) No.7667 of 2025

Pravat Mahali & Ors.

.....

Petitioners

Represented By Adv. –
Mr. L. Panigrahi, Sr.
Adv.

-versus-

State Of Odisha & Ors.

.....

Opposite Parties

Represented By Adv. –
Mr. Pitambar Acharya,
Advocate General

WP(C) No.9810 of 2025

Ramachandra Tripathy

.....

Petitioner

Represented By Adv. –
Mr. S. Senapati, Adv.

-versus-

State Of Odisha & Anr.

.....

Opposite Parties

Represented By Adv. –
Mr. Pitambar Acharya,
Advocate General

WP(C) No.16417 of 2025

***Priyadarshi Himadri Biswal &
Ors.***

.....

Petitioners

Represented By Adv. –
Mr. Madan Mohan Das

-versus-

State Of Odisha & Ors.

.....

Opposite Parties

Represented By Adv. –
Mr. Pitambar Acharya,
Advocate General



WP(C) No.17793 of 2025

Santosh Kumar Sahoo

.....

Petitioners

Represented By Adv. –
Mr. Debendra Pradhan

-versus-

State Of Odisha & Ors.

.....

Opposite Parties

Represented By Adv. –
Mr. Pitambar Acharya,
Advocate General

CORAM:

**THE HON'BLE MR. JUSTICE ADITYA KUMAR
MOHAPATRA**

ORDER

24.07.2025

Order No.

- 12.
1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
 2. The present batch of writ applications involves a common set of facts and the prayer made in all these writ applications are identical. Therefore, a common issue involved in all these writ applications is required to be adjudicated by this Court. Accordingly, all the writ applications were taken up together and are being disposed of by the following common order.
 3. Heard Shri Budhadev Routray, Shri L. Pangari and Miss Pami Rath, learned Senior Counsels representing the Petitioners along with the counsels who are representing the Petitioners in different writ applications listed today for



hearing. For the State-Opposite Parties, Shri Pitambar Acharya, learned Advocate General assisted the Court in deciding the present batch of writ applications. Perused the writ applications as well as the documents annexed thereto.

4. The present batch of writ applications have been filed by some of the candidates who have become age barred for being considered for appointment to the post of Sub-Inspector of Police pursuant to the advertisement dated 17.01.2025. The Petitioners in the batch of writ applications have made a common prayer for a direction to the State-Opposite Parties to grant age relaxation in the upper age limit up to 4 years in the advertisement at Annexure-1 and for a direction to the Opposite Party No.2-Odisha Police Recruitment Board, Bhubaneswar to consider the case of the Petitioners for appointment to the post advertised under Annexure-1 to the writ applications.

5. The factual background, in a concise form, is that the Petitioners are all qualified, unemployed youth and having an aspiration to be recruited to the post of Sub-Inspector of Police by the Opposite Parties. The Petitioners came across the advertisement dated 17.01.2025 at Annexure-1 to the writ application. Such advertisement has been published under the Odisha Police Service (Method of Recruitment and Conditions of Service of Sub-Inspectors) Order, 2021 and Odisha Police Service (Method of Recruitment and Conditions of Service of Sub-Inspectors (armed) Order, 2021 and Odisha Fire Service



(Method of Recruitment and Conditions of Service of Group A and Group B Officers) Rules, 2021. By virtue of the advertisement dated 17.01.2025, the Opposite Parties advertised 609 vacancies for the post of Sub-Inspector of Police, Sub-Inspector of Police (armed)-253 posts, Station Officer (Fire Service)-47 posts, Assistant Jailor-24 posts.

6. The genesis of the dispute involved in the present batch of writ applications lies in the condition fixed in the advertisement i.e. with regard to fixation of upper age limit at 25 years as on 01.01.2024. Although, upper age limit has been relaxed by 5 years for candidates belonging to SC/ST/ SEBC and for horizontal reservation category meant for Women at 30 years. Since no relaxation has been granted to the candidate with regard to the upper age limit as fixed in the advertisement at Annexure-1, the Petitioners have approached this Court by filing the present writ application.

7. Learned Senior Counsels appearing for some of the Petitioners and counsels representing other Petitioners at the outset contended that the last recruitment test for appointment to the post of Sub-Inspector of Police was conducted in the year 2019. Thereafter, the recruitment rules were amended in the year 2021. It was emphatically argued on behalf of the Petitioners that no recruitment test for appointment to the post of Sub-Inspector of Police has taken place since 2019, particularly after amendment of the relevant recruitment rules in the year 2021. The Advertisement dated 17.01.2025 at



Annexure-1 was published on 17.01.2025 for the first time after the last recruitment which was held in the year 2019. The gap in the two recruitment test is the main plank of argument on behalf of the Petitioners to seek for age relaxation in the advertisement dated 17.01.2025 at Annexure-1.

8. In course of argument, learned Senior Counsels appearing on behalf of the Petitioners, drawing attention of this Court to the judgment of this Court in ***Nagen Bhoi and Ors. Vs. State of Odisha & Ors.*** in W.P.(C) No.341 of 2023 in a batch of similar other applications disposed of vide judgment dated 24.01.2023, submitted before this Court that an issue identical to the present case was involved in the aforesaid ***Nagen Bhoi's*** case (*supra*). In ***Nagen Bhoi's*** case (*supra*) this Court, while disposing of the writ applications by a detailed judgment had taken into consideration the contentions raised by the Petitioners as well as the State-Opposite Parties. Finally, this Court had directed in para-54 of the said judgment to the Home Department, Govt. of Odisha to exercise power under Order-17 of the Police Order, 2021 and to grant relaxation in the upper age limit up to 4 years as an one-time measure by taking into consideration the fact that no recruitment test could take place owing to various factors including the Covid-19 pandemic. Accordingly, necessary consequential directions were also issued to carry out the orders passed by this Court. It was also contended that the judgment of this Court in ***Nagen Bhoi's*** case (*supra*) was implemented by the State-Opposite



Parties and no appeal was preferred against the judgment of this Court.

9. Learned Senior Counsels representing the Petitioners further referred to a judgment of a Coordinate Bench in ***Bisheshawar Biswal & Ors. vs. State of Odisha & Ors.*** Bearing W.P.(C) No.26079 of 2024 and a batch of writ applications disposed of vide a common judgment dated 05.12.2024. In the said batch of writ applications a common prayer was also made by the Petitioners for grant of relaxation in the upper age limit for recruitment to the post of Sepoys/ Constables in OSAP/IR/ SIR/SS Battalions of the Odisha Police. Learned Coordinate Bench after hearing the counsels for both sides and upon a careful analysis of various judgments on the issue, allowed the writ applications by granting one-time relaxation in the upper age limit up to 6 years. While disposing of the abovenoted batch of writ applications, learned Coordinate Bench in para-27 of the judgment has also recommended that the Odisha Police State Selection Board and the Odisha Police to take proactive steps to establish and maintain a regular recruitment cycle aligned with emerging vacancies.

10. As against the judgment of the learned Coordinate Bench in ***Bisheshawar Biswal's*** case (*supra*), the State Govt. preferred a writ appeal bearing W.A. No.3321 of 2024. The said writ appeal had been admitted vide order dated 31.01.2025 by a Division Bench of this Court. While admitting the Writ



Appeal, the Hon'ble Division Bench presided over by the then Hon'ble Acting Chief Justice has been pleased to stay the operation of the impugned judgment dated 05.12.2024 till the next date.

11. On perusal of the record it appears that the judgment of the Coordinate Bench in ***Bisheshawar Biswal***'s case (W.A. No.3321 of 2024 was pending before a Division Bench). Since the issue involved in the present writ applications is identical to the one that was involved in ***Bisheshawar Biswal***'s case (*supra*), this Court vide order dated 06.02.2025 after hearing learned Senior Counsels for the Petitioners as well as the learned Advocate General for the State of Odisha passed order dated 06.02.2025, wherein this Court observed that judicial discipline and propriety demands that the matter be placed before the Hon'ble Division Bench which is hearing the writ appeal in ***Bisheshawar Biswal***'s case (*supra*) along with all connected matters and the Registry was accordingly directed to place the matters before the Hon'ble Acting Chief Justice for assigning the matter to the Division Bench hearing the writ appeal in ***Bisheshawar Biswal***'s case (*supra*). Accordingly, the present batch of writ applications were placed before the Hon'ble Division Bench with the kind consent of the Hon'ble Acting Chief Justice.

12. In course of hearing, learned Senior Counsels appearing for the Petitioners produced a copy of judgment dated 25.03.2025 delivered by the Hon'ble Division Bench in W.A.



No.3321 of 2024 (*State of Odisha & ors. vs. Bisheshawar Biswal & ors.*) and a batch of other writ appeals. On perusal of the judgment dated 25.03.2025 it appears that the Hon'ble Division Bench after a bare discussion of the factual as well as the legal position and after recording the contentions raised by the learned counsels appearing for the respective parties, have not given any specific finding to the issues that was involved in the writ appeal. However, on perusal of para-19 and 20 of the judgment in writ appeal of the State in *Bisheshawar Biswal's* case (*supra*), this Court observes that at the time of final hearing of the writ appeals, learned Advocate General for the State of Odisha produced the instruction before the Hon'ble Division Bench issued by the Special Secretary to Govt., Home Department. Such instruction of the State has been quoted in para-19 of the judgment.

13. On perusal of the instruction quoted in para-19 it appears that in a high level meeting presided over by the Hon'ble Chief Minister in presence of the learned Advocate General, Chief Secretary, Odisha SCS Home Dept., DGP Odisha and Chairman, State Selection Board, a decision was taken that as a one-time benevolent measure in the larger interest of the candidates who had applied for the post of Sepoys/ Constables in Battalions pursuant to the advertisement dated 22.09.2024, for appearing in the written examination will be given three years upper age limit relaxation in respective categories of candidates as prescribed in the Method of Recruitment and



Conditions of Service Fresh of Sepoys, Constables, Havildars and ASI (Armed) Order, 2022. However, it was decided that the same may not be treated as a precedent in the future. The Hon'ble Division Bench has also recorded the satisfaction of the respondent and their acceptance of the benevolent measure of grant of 3 years age relaxation in the upper age limit. Accordingly, the Respondent in the appeals conceded their grounds of opposition to the impugned order being interfered in the appeal. Therefore, the impugned judgment of the learned Single Judge in ***Bisheshawar Biswal***'s case (*supra*) was set aside by the Hon'ble Division Bench.

14. Learned Senior Counsels appearing for the Petitioners by referring to the judgment in writ appeal in ***Bisheshawar Biswal***'s case (*supra*) as well as the decision taken in the high level meeting submitted that the factual backdrop of the case in ***Bisheshawar Biswal***'s case (*supra*) as well as in present batch of writ applications are almost identical. Therefore, the State-Opposite Parties have committed an illegality by not extending such age relaxation in respect of the present Petitioners. It was also contended that the present batch of writ applications were placed before the Hon'ble Division Bench along with the writ appeal in ***Bisheshawar Biswal***'s case (*supra*). Therefore, it was contended that similar benefit of relaxation in upper age limit up to 3 years should have been extended in favour of the present Petitioners who are aspiring to participate in the recruitment process for appointment to the post of Sub-



Inspector of Police. As such, it was alleged that the State- Opposite Parties have acted in a discriminatory manner and they have violated the constitutional principle underlying in Article 14 of the Constitution of India.

15. Per Contra, Mr. Pitambar Acharya, learned Advocate General representing the State-Opposite Parties argued that the Petitioners have no legal right to claim upper age relaxation. He further contended that the State being the employer has the sole discretion and freedom to fix the eligibility criteria in consonance with the relevant recruitment rules. Moreover, the recruitment in the present case is to be carried strictly in terms of the recruitment rules as well as the terms and conditions prescribed in the advertisement dated 17.01.2025. The upper age limit having been already fixed, the same cannot be altered while the recruitment is going-on.

16. Learned Advocate General further argued that as a result of the interim order passed by this Court and coupled with the fact that a large number of writ applications are pending before this Court, the State-Opposite Parties are unable to go ahead with the recruitment process for appointment to the post of Sub-Inspector of Police. As a result, the State-Opposite Parties are unable to recruit Sub-Inspector of Police leading to a large number of vacancies in such posts. He further contended that such vacuum in the post of Sub-Inspector of Police is seriously affecting the law and order machinery in the State of Odisha.

17. Learned Advocate General would further argue that the



relaxation of upper age limit falls within the domain of the policy making power of the State-Opposite Parties, as such, the same should not be interfered with by this Court in exercise of its jurisdiction under Article 226 and 227 of the Constitution of India. Furthermore, unless it is demonstrated before this Court that the policy decision affects the fundamental right of a citizen, normally this Court does not entertain any writ application challenging such type of policy decision. In the aforesaid facts and circumstances as well as in light of the settled legal position, learned Advocate General submitted that the advertisement dated 17.01.2025 at Annexure-1 does not call for any interference by this Court. Moreover, such non-interference in the recruitment process at this stage would be in the larger interest of the State and the general public.

18. In his effort to repeal the argument advanced by learned Senior Counsels appearing for Petitioners, the learned Advocate General referred to a judgment of this Court in ***Manoranjan Sahoo & ors. vs. State of Odisha & Ors.*** in W.P.(C) No.2721 of 2023 and a batch of similar other writ applications which were disposed of vide a common judgment dated 27.06.2023. In the case of ***Manoranjan Sahoo & Ors.*** (*supra*) and a batch of similar other writ applications, a Hon'ble Division Bench of this Court was considering an identical issue with regard to relaxation of upper age limit for recruitment to the post of Sub-Inspector of Police. Such recruitment was being carried out in terms of the Odisha Police



Service (Method of Recruitment and Conditions of Service of Sub-Inspectors) Order, 2021. In the said writ application, the Petitioners were claiming relaxation in the upper age limit by referring to the amendment vide notification dated 11.01.2022 to the Odisha Civil Service (Fixation of Upper Age Limit) Rules, 1989.

19. The Hon'ble Division Bench after a detailed discussion of the legal position and further referring to the Rulings of the Hon'ble Supreme Court in various cases involving somewhat identical facts, concluded that there is no merit in the writ applications and, accordingly, the writ applications were dismissed. While dismissing the said writ applications it has been observed by the Hon'ble Division Bench that no case was made out by the Petitioner that their right has been taken away by the State and that the State Govt. has not declared any benefit in the shape of relaxation of upper age limit. As such, it was held that the notification dated 11.01.2022 is not applicable to the Petitioners in that case.

20. Having heard the learned Senior Counsels appearing for the Petitioners as well as the learned Advocate General for the State of Odisha, this Court observes that the Petitioners in the present batch of writ applications have approached this Court with a prayer for grant relaxation in the upper age limit as fixed in the advertisement dated 17.01.2025 at Annexure-1. This Court further observes that in respect of the post of Constables/ Sepoys pursuant to advertisement dated



22.09.2024, a decision has been taken by the State Govt. in a high level meeting presided over by the Hon'ble Chief Minister in presence of the learned Advocate General and other high level state functionaries. A decision has been taken to the effect that as a one-time benevolent measure in the larger interest of the candidates, the State Govt. has been pleased to grant 3 years of age relaxation in the upper age limit as fixed in the advertisement dated 22.09.2024. On the basis of such decision of the State Govt., the writ appeal in ***Bisheshawar Biswal***'s case (*supra*) was disposed of by a Division Bench vide a common judgment dated 25.03.2025. Although, the present batch of writ applications were listed before the Hon'ble Division Bench, the Hon'ble Division Bench confined the adjudication to the pending writ appeals and after disposal of the writ appeals, the present writ applications have been sent back to this Court for adjudication.

21. No doubt, the Petitioners have no vested right to claim relaxation in the upper age limit as has been fixed in the advertisement which was issued in consonance with the provisions contained in the rules. Moreover, the decision with regard to relaxation in the upper age limit, being a policy decision of the employer, the same cannot be interfered with unless this Court holds that such a policy decision infringes the fundamental rights of the candidates. Keeping in view the fact that the State Govt., in its high level meeting, decided to grant age relaxation for recruitment to the post of Constables and



Sepoys pursuant to advertisement dated 22.09.2024 in respect of the self-same period and the present batch of Writ applications involving the recruitment to the post of Sub-Inspector of Police relating to the very same period, although pursuant to a different advertisement, are almost similar, this Court requested the learned Advocate General to obtain instruction from the State-Opposite Parties as to whether the benefit extended to the candidates who had applied under advertisement dated 22.09.2024 could be extended to the present Petitioners as an one-time benevolent measure.

22. Mr. Acharya, learned Advocate General for the State of Odisha in his usual fairness submitted before this Court that the State Govt. is agreeable to extend the age relaxation that has been granted to the candidates pursuant to the advertisement dated 22.09.2024 to the present Petitioners. He further submitted that however the State-Opposite parties have agreed to extend such benefit keeping in view the fact that there are a large number of vacancies in the post of Sub-Inspector and as a result of the pendency of the present writ application they are unable to fill up those posts. He further submitted that the State Govt. is willing to relax subject to condition that such relaxation shall be as a one-time benevolent measure and shall not be treated as a precedent in future.

23. On perusal of a copy of letter dated 24.07.2025 which was produced before this Court by the learned Advocate General for the State of Odisha, it appears that the Home



Department, Govt. of Odisha has taken a decision pursuant to the observation of this Court vide order dated 14.07.2025 and the proposal of DG & IG of Police, Odisha vide his Letter dated 24.07.2025 and the same has been quoted hereinbelow:-

- i) Age relaxation of 3 years to each category of candidates shall be allowed for recruitment of SI and equivalent posts conducted by OPRB.
- ii) The candidates eligible by virtue of above relaxation will be allowed to submit their application and OPRB will take necessary steps in this regard.
- iii) The candidates who had already applied in pursuant to above advertisement need not apply afresh and their candidature shall be considered by the OPRB with above relaxation.

It has also been observed that the aforesaid decision has been taken by the State of Odisha as a onetime benevolent measure and that the same shall not be treated as a precedent in future.

This Court appreciates the role of the learned Advocate General in convincing the State Government and resolving the issue involved here in the present writ applications.

24. Learned Senior Counsels appearing for the Petitioners on the other hand accepted the aforesaid decision of the State- Opposite Parties unconditionally and they further submitted



that since the State Government has already taken a decision to grant age relaxation up to 3 years to all aspiring candidates, they will not insist upon adjudication of the issue involved in the present writ applications and, accordingly, they are ready and willing to withdraw the writ applications in terms of the aforesaid decision of the State Government vide letter dated 24.07.2025.

25. In view of the aforesaid development, this Court deems it proper to dispose of the present writ applications in terms of the decision taken by the State Government and communicated to the learned Advocate General vide letter dated 24.07.2025. Accordingly, while disposing of the present writ applications, this Court directs the Opposite Parties to publish a fresh corrigendum indicating the aforesaid age relaxation. Such corrigendum shall be given wide publicity as per the normal practice adopted by the State-Opposite Parties. Further, the Opposite Parties shall open the Web Portal for a period of ten days starting w.e.f. 28.07.2025 and accept the online application forms which are likely to be submitted by the candidates who are found eligible in terms of the aforesaid age relaxation and who have not applied earlier. So far the candidates who have already applied, they need not apply again. Accordingly, the applications submitted by all eligible candidates including the candidates who were found eligible pursuant to the decision of the State Government to grant 3 years age relaxation shall be considered simultaneously.



Considering the fact that the recruitment process has already been delayed, the State-Opposite Parties are directed to make every endeavour to conclude the entire selection process as expeditiously as possible preferably within a period of three months from today. Before parting this Court would like to further clarify that the decision taken by the State-Opposite parties and communicated to the learned Advocate General vide letter dated 24.07.2025 has been taken as a onetime benevolent measure and the same shall not be treated as a precedent in future.

26. Accordingly, the writ applications stand disposed of in terms of the directions contained in the present order.

Issue urgent certified copy of this order as per Rules.

(A.K. Mohapatra)
Judge

Anil

Signature Not Verified

Digitally Signed
Signed by: ANIL KUMAR SAHOO
Designation: Junior Stenographer
Reason: Authentication
Location: High Court of Orissa
Date: 26-Jul-2025 12:19:20

