



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.A. No.832 of 2024

State of Odisha

....

Appellant

Represented by Adv.–
Mr. Debaraj Mohanty, AGA

-Versus -

**Dr. Swarup Nanda Mallick and
another**

....

Respondents

Represented by Adv.–
Mr. Sameer Kumar Das, Advocate

CORAM:
HON'BLE MR. JUSTICE MANASH RANJAN PATHAK
AND
HON'BLE MR. JUSTICE MRUGANKA SEKHAR SAHOO

ORDER

17.12.2025

(Hybrid mode)

Order No.

04.

I.A. No. 2164 of 2024

1. I.A. has been filed for condonation of reported delay of 316 days in filing the appeal.
2. Heard learned AGA for the appellant. Referring to the I.A. supported by affidavit particularly paragraphs 2 to 10, it is submitted that adequate reasons have been shown explaining the delay. .
3. The learned AGA relies on the decisions of the Hon'ble Supreme Court rendered in *SLP(C) No. 11443 of 2023 : (State of Odisha and others v. Nikunja Kishore Panigrahi)* decided on 21.11.2023, *SLP(C) No.9008 of 2024 : (State of Odisha and others v. Madhurima Panigrahi)* decided on 10.09.2024, *SLP(C) No.25180 of 2024 : (State of Odisha and others v. Prasanna Kumar Jena and others)* decided on 14.02.2025, *SLP(C) No.2146 of 2024: (State of Odisha v. Sudhansu*



Sekhar Jena) decided on 21.02.2025 : **2025 INSC 259: 2025 SCC Online SC 385, SLP(Civil) No. 23039 of 2024: (State of Odisha v. Ajaya Kumar Bhoi)** decided on 19.03.2025, SLP(Civil) No. 15194 of 2024: **(State of Odisha v. Shantilata Swain)** decided on 21.07.2025 and **SLP(C) No.13762 of 2024: (State of Odisha v. Bhikari Prusty)** decided on 15.10.2024 to submit that in the batch of SLPs referred above more than six hundred SLPs have been allowed by the Apex Court considering the grounds stated in the I.A. seeking condonation of delay filed before this Court accompanying the writ appeals explaining the delay.

It is submitted that for similar causes shown, delay of more than five hundred days has been condoned by the Apex Court in the case of ***State of Odisha and others v. Nikunja Kishore Panigrahi*** (supra).

4. Learned counsel for the respondent no.1 vehemently opposes the prayer for condonation of delay. It is submitted that the causes shown are too frugal to be accepted. Learned counsel for the respondent no.1 refers to the order dated 02.05.2025 passed by the Coordinate Bench of this Court wherein the delay in filing the said writ appeal was not condoned and the application has been dismissed without considering it on merits.

5. We take note that in the said judgment of the Coordinate Bench the orders passed by the Hon'ble Apex Court in different SLP in several batches of applications before the Apex Court, as we have indicated above have not been considered.

6. Having heard learned AGA for the appellant-State as well as the learned counsel for the respondent, considering the averments made in the I.A. supported by affidavit and considering the decisions of the Hon'ble Apex Court in ***SLP(C) No. 11443 of 2023 : (State of Odisha***



and others v. Nikunja Kishore Panigrahi) decided on 21.11.2023, *SLP(C) No.9008 of 2024 : (State of Odisha and others v. Madhurima Panigrahi)* decided on 10.09.2024, *SLP(C) No.25180 of 2024 : (State of Odisha and others v. Prasanna Kumar Jena and others)* decided on 14.02.2025, *SLP(C) No.2146 of 2024: (State of Odisha v. Sudhansu Sekhar Jena)* decided on 21.02.2025 : **2025 INSC 259: 2025 SCC Online SC 385, SLP(Civil) No. 23039 of 2024: (State of Odisha v. Ajaya Kumar Bhoi) decided on 19.03.2025, *SLP(Civil) No. 15194 of 2024: (State of Odisha v. Shantilata Swain)* decided on 21.07.2025 and *SLP(C) No.13762 of 2024: (State of Odisha v. Bhikari Prusty)* decided on 15.10.2024, we condone the delay of 316 days in filing the writ appeal. Condonation of delay in filing the appeal shall not add any further merit to the case of the appellant-State.**

The I.A. is favoured and disposed of.

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7. Heard learned Additional Government Advocate for the appellant-State.

Issue notice.

Since Mr. Sameer Kumar Das, learned counsel is on record appearing on behalf of respondent no.1, no further notice be issued to the respondent no.1. Copy of the appeal memo along with I.A. and other papers have been served on Mr. Das, learned counsel.

Notice to opposite party no.2 be issued by Speed Post with A.D. Requisites for issuance of notice be filed within seven working days.

8. It is submitted by the learned counsel for the respondent no.1 that the matter may be taken up at earliest as it involves recruitment to the post of Assistant Professor and the litigation is pending since 2016.



9. List "For Admission" on 03.02.2026. Liberty to mention.

The interim order dated 10.09.2025 shall continue till the next date of hearing.

(Manash Ranjan Pathak)
Judge

(Mruganka Sekhar Sahoo)
Judge

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