



IN THE HIGH COURT OF ORISSA AT CUTTACK

WA No.1068 OF 2024

State of Odisha and others ***Appellants***

Represented By Adv. –
Mr. Subha Bikash Panda, AGA

-versus-

Akshaya Kumar Meher & others ***Respondents***

Represented By Adv. –

CORAM:

JUSTICE MANASH RANJAN PATHAK

JUSTICE MRUGANKA SEKHAR SAHOO

ORDER

15.09.2025

(Hybrid Mode)

Order No.
02.

IA No.2835 of 2024

1. In I.A. No.2835 of 2024, notices were issued by our order dated 01.09.2025. Being mentioned by the learned counsel, Mr. Sujata Jena the matter was tagged with the connected Writ Appeal No.3186 of 2023 which is also listed today.

It is submitted by the learned counsel, Ms. Sujata Jena that she has instruction to appear on behalf of the respondent who was petitioner in the writ petition. No further notice be issued to the respondent. She further submits that she has already received copy of the appeal memo along with I.A.



WA No.1068 of 2024

2. Heard Mr. S.B. Panda, learned AGA appearing for the Appellants-State and Ms. Sujata Jena, learned counsel appearing for the Respondents.

3. It is submitted by Mr. Panda, learned AGA that in the connected Writ Appeal No.3186 of 2023 (State of Odisha & Others vs. Harapriya Padhi & Others) was considered by this Bench and interim order was passed.

It is further submitted that the Contempt matter arising out of the order dated 05.04.2023 passed in W.P.(C) 33559 of 2021 and the batch of cases is being pursued by the respondents.

4. It is submitted by learned counsel appearing for the Respondent that, about 10 candidates were selected and, except two, all have been given appointment, particularly Shri Debendra Deep, petitioner in W.P.(C) No.36735 of 2022 disposed of on 28.02.2023 continues, being still in service and working as Pharmacist.

It is submitted that only two of the selected candidates/petitioners (the 1st respondent herein) are awaiting appointment.

5. In response, the learned Additional Government Advocate submits that the judgment of this Court in the case of **State Vs. Debendra Deep** (in Writ Appeal No.1859 of 2023) has been challenged by the State, by filing SLP (C) D. No. 22964 of 2024 before the Hon'ble Supreme Court, which is pending for further adjudication. The learned counsel for the respondent submits that there is no stay of any order passed by



this Court and in any event the respondents are continuing without any job though having been selected. It is further submitted that in the meanwhile the applicable rule has been amended, as a result of which both the Degree and Diploma holders in Pharmacy are eligible for appointment. Therefore, as on date, there is no legal impediment for giving appointment to the respondents.

6. We are conscious of the fact that, in case we pass any interim order regarding appointment of Respondent No.1 and if ultimate decision does not go in favour of Respondent No.1, he will face difficult situation.

Therefore, we have suggested the learned AGA to obtain instruction, if the respondent No.1 (selected candidate) can be given appointment on contractual basis with no claim of equity on the said appointment, without prejudice to the contentions of the parties to the present appeal.

7. List this appeal on 16th October, 2025 along with WA No.3186 of 2023.

I.A. No. 2836 of 2023

8. Issue notice as above.

Learned counsel, Ms. Sujata Jena has already appeared on behalf of respondent no.1, extra copy of the I.A. has already been served. No further notice need be issued.

9. In view of the order passed in the writ appeal, it is submitted by the learned counsel for the respondent that the respondent shall not press for any precipitative order before the learned Single Judge in the contempt application.



In the interim, it is directed that no precipitative order be passed in the pending contempt petition CONTC No.1585 of 2024 before the learned Single Judge.

(Manash Ranjan Pathak)
Judge

(Mruganka Sekhar Sahoo)
Judge

Jyostna

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