



IN THE HIGH COURT OF ORISSA AT CUTTACK

WA No. 1068 of 2024

State of Odisha & Others

....

Appellants

Represented by –

Mr. Jayanta Kumar Bal, AGA

-Versus-

Akshaya Kumar Meher & Others

....

Respondents

Represented by Adv.–

Ms. Pragati Jena, Advocate

along with Smt. Sujata Jena, Advocate

CORAM:

HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

AND

HON'BLE MR. JUSTICE MRUGANKA SEKHAR SAHOO

ORDER

10.12.2025

Order No.

(Hybrid Mode)

- 04.** 1. We have heard Mr. J.K. Bal, learned Additional Govt. Advocate for the State in response to our earlier order dated 15.09.2025.

It is submitted that SLP(C) No.25202 of 2025 : *State vs. Debendra Deep* is pending before the Hon'ble Supreme Court, which was listed on 21.11.2025 and posted to 12.01.2026.

2. We have again reiterated our view that there is no difference between the other eight candidates, and the two candidates who are parties to the present litigation. We have also apprise the learned AGA that as undertaken before this Court, the respondents shall not seek or claim any



equity if they are given appointment on contractual basis like other eight candidates who are continuing.

3. Learned Addl. Govt. Advocate refers to the affidavit dated 01.11.2025 at Flag-‘D’, particularly para-10, which is reproduced herein –

“10. That, in the meantime, the State Government in GA&PG Department have repealed the Odisha Group-B Posts (Contractual Appointment) Rules, 2013 and the Odisha Group “C” and Group “D” Posts (Contractual Appointment) Rules, 2013 since 17th October, 2022 by virtue of promulgation of Odisha Group “B”, “C” and Group “D: Posts (Repeal and Special Provisions) Rules, 2022. As such, at present, there is no provision for offering appointments under Government establishments in the State on contractual basis.”

4. We have considered paragraph-10 of the affidavit dated 01.11.2025 describing the Odisha Group “B”, “C” and Group “D: Posts (Repeal and Special Provisions) Rules, 2022. In our considered view, in the order dated 15.09.2025 we have not dealt with the said Rules nor we have issued any direction regarding giving appointment under the said Rules. The direction to give appointment on contractual basis in the context of the other eight persons getting appointment is very clear from the order dated 15.09.2025 at paragraphs 5 & 6 :

*“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.”

5. The learned Additional Govt. Advocate has adjournment.

List this matter on 19.01.2026 along with connected WA No. 3186 of 2023.

(Manash Ranjan Pathak)
Judge

(Mruganka Sekhar Sahoo)
Judge

S.K. Parida

Signature Not Verified

Digitally Signed
Signed by: SAMIR KUMAR PARIDA
Designation: ADR-cum-Addl. Principal Secretary
Reason: Authentic Copy
Location: ORISSA HIGH COURT, CUTTACK
Date: 11-Dec-2025 11:03:14