



IN THE HIGH COURT OF ORISSA AT CUTTACK
WP(C) No.14027 of 2025

1) Radha Mohan Patra

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Petitioners

- 2) Pradeep Kumar Nayak
- 3) Jogindra Behera
- 4) G.lingaraju Reddy
- 5) T.narasimulu Reddy
- 6) Kanhei Behera
- 7) Harikrushan Dash
- 8) D.hiraswami Reddy
- 9) Praveen Kumar Patro

Represented by Adv. -
Manas Pati

-versus-

1) state of odisha

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Opposite Parties

- 2) secretary to govt. finance department
,bbsr
- 3) vice chancellor,berhampur university
- 4) registrar, berhampur university

Represented by Adv. –

Smt. S. Nayak, ASC

dr.purusottam chuli,
priyambada nath

CORAM:

MR. JUSTICE ADITYA KUMAR MOHAPATRA

ORDER

23.03.2026

Order No.

- 03.
1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
 2. Heard learned counsel for the Petitioners as well as learned counsel for the State.
 3. Although this matter has been listed for final hearing however, on perusal of record it appears that the Opposite Party No.3- Berhampur University has filed the counter affidavit in Court.



4. On perusal on record it appears that earlier the Petitioners approached this Court by filing W.P.(C) No.16918 of 2011 which was disposed of by the Division Bench along with a batch of similar other writ applications vide a common order dated 02.08.2012. On perusal of order dated 02.08.2012, it appears that the Hon'ble Division Bench, while disposing of the writ application, permitted the Petitioners to participate in the recruitment test irrespective the fact that they might not have been engaged prior to 12.04.1993. It may further directed that some of the Petitioners who have not submitted application by 31st July, 2012 and permitted to submit their application within the extended period. Hon'ble Division Bench further directed that if the vacancy posts are no filled up by the selected candidates and if some of the Petitioners do not get selected for appointment, the University shall take up the matter with the State Government for creation of post which were abolished earlier by the Government, so that the rest of the Petitioners, who get selected but have been working for more than a decade continuously, can be considered for regularization.

5. Referring to the aforesaid order dated 02.08.2012 learned counsel for the Petitioners contended that although the Petitioners have given opportunity to participate in the recruitment test, however, they could not qualify. He further submitted that it is not disputed that the Petitioners were appointed prior to the cut up date i.e. 12.04.1993 and they were



working continuously without any interruption under the Opposite Party Nos.3 and 4-University. He further submitted the University, pursuant to the aforesaid order of the Hon'ble Division Bench dated 02.08.2012, has written several letters to the State Government seeking permission to proceed in terms of order dated 12.08.2012. Since no instruction has been provided by the State Government, the Opposite Party-University did not regularize the service of the Petitioners. Being aggrieved by such conduct of the Opposite Parties, the Petitioners have approached this Court by filing the present writ application.

6. Learned counsel appearing for Opposite Party No.3 and 4-University, while referring to his counter affidavit contended before this Court that pursuant to order dated 12.08.2012, the Opposite Party Nos.3 and 4-University has taken steps. However, in the absence of any instruction from the Government, the University was not in a position to regularize the service to the Petitioners. He further contended that the representation filed by the Petitioners have been disposed of by the University by passing a speaking and reasoned order.

7. On a careful analysis of the submissions made by the learned counsels appearing for the respective Parties, this Court is of the view that the Opposite Parties-State is important for the adjudication of the present writ application keeping in view the order dated 02.08.2012 at Annexure-1 to the writ application. The State-Opposite Party has not filed any counter affidavit. However, a request was made at this juncture by the learned



counsel for the State to grant some time to obtain instruction for filing the counter affidavit.

8. Considering such submission, the learned counsel for the State is granted two weeks' time to file counter affidavit, after serving a copy thereof on the learned counsel appearing for the Petitioners. Failing which, the matter shall be adjudicated on its own merit and no further extension shall be granted to the State Counsel for filing the counter affidavit while considering the fact that the dispute is pending since the year 2012.

9. List this matter in the week commencing 20.04.2026.

(Aditya Kumar Mohapatra)
Judge

Sisir