

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.15911 of 2022

Kanakalata Nayak and others *Petitioners*
Mr. Manoj Kumar Mohanty, Advocate
-versus-
State of Odisha and others *Opposite Parties*
Mr. P.C. Das, ASC

CORAM:
JUSTICE A.K. MOHAPATRA

ORDER
04.07.2022

Order No.

- 01.
1. This matter is taken up through hybrid arrangement (virtual/physical mode).
 2. Heard learned counsel for the Petitioner and learned counsel for the State.
 3. This writ petition has been filed by the Petitioner praying for quashing the order No.8248 dated 31.05.2022 and Order No.8245 dated 31.05.2022 respectively in respect of Opposite Party Nos.4 to 6 and for further direction Opposite Parties for allowing the Petitioner to continue in service.
 4. It is submitted by learned counsel for the Petitioner that in n earlier writ petition bearing W.P.(C) No.37885 of 2020, this Court while considering the matter had categorically directed '*the opposite parties that while retaining upto 25% of the existing strength of manpower deployed, shall consider extension of some personnel on the basis of first come last go basis. In other words, the person appointed earlier should be retained. If there is any tie, then the person on top of the merit list should be given preference.*' It is

further submitted by learned counsel for the Petitioner that Petitioner appeared against Serial Nos.1, 2 and 5. However, the Authority ignoring the seniority of the Petitioner have removed them from service whereas they are retained the persons, who joined later and who are junior to the Petitioners.

3. Considering such submission, this Court directs issuance of notice to the Opposite Parties. Since Mr. P.C. Das, ASC accepts notice on behalf of Opposite Party Nos.1 to 3, no notice need be issued to the Opposite Party Nos.1 to 3. Let three extra copies of the writ petition be served on him within a week.

4. Notice be issued to Opposite Party Nos.4 to 6 by Registered Post with A.D., fixing a short returnable at an early date. Requisites shall be filed within a week.

5. List this matter in the week commencing 01.08.2022. Counter Affidavit, if any, shall be filed in the meantime.

I.A. No.8576 of 2022

6. Issue notice as above. सत्यमेव जयते

7. Accept one set of process fee.

9. Any decision taken pursuant to order under Annexure-5 shall be subject to final outcome of the writ petition.

10. I.A. stands disposed of.

10. Issue urgent certified copy as per rules.

(A.K. Mohapatra)
Judge