



IN THE HIGH COURT OF ORISSA AT CUTTACK

WA Nos. 834, 824 & 840 of 2026

Hemabanti Patra and another **Appellants**

Represented by Adv.—
Mr. Manoj Mishra, Senior Advocate
assisted by Mr. S. Senapati, Advocate
-Versus-

State of Odisha and others **Respondents**

Represented by Adv.—
Mr. Sanjib Kumar Swain, AGA
Mrs. Pami Rath, Senior Advocate (intervener)

Karnadev Samaddar **Appellant**

Represented by Adv.—
Mr. Prafulla Kumar Rath, Senior Advocate
assisted by Mr. A. Behera, Advocate
-Versus-

State of Odisha and others **Respondents**

Represented by Adv.—
Mr. Sanjib Kumar Swain, AGA
Mrs. Pami Rath, Senior Advocate (intervener)

Sidhartha Sankar **Appellant**

Represented by Adv.—
Mr. Manoj Mishra, Senior Advocate
assisted by Mr. S. Senapati, Advocate
-Versus-

State of Odisha and others **Respondents**

Represented by Adv.—
Mr. Sanjib Kumar Swain, AGA
Mrs. Pami Rath, Senior Advocate (intervener)

CORAM:
HON' BLE THE CHIEF JUSTICE
AND
HON'BLE MR. JUSTICE MURAHARI SRI RAMAN

Order No.

ORDER

01.07.2026

WA Nos. 834, 824 & 840 of 2026

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I.A. Nos. 2094, 2008 & 2095 of 2026

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1. Issue notice both in the Writ Appeals and I.As.
 2. Mr. S.K. Swain, learned Additional Government Advocate appears for the State-respondents and waives the service of notice.
 3. Let the notice be issued to private respondents by speed post with A.D., making it returnable before the next date, requisites for which shall be filed within a week hence.
 4. The seminal point involved in the instant appeals pertains to fixation of seniority between the direct appointees and the promotees of the rank of OAS Group-A (JB) vide notification dated 04.03.2016. By virtue of the advertisement published on 17.11.2011 for conducting the Odisha Civil Services Examination, the appellants participated therein, but because of the litigations in the interregnum, the said recruitment process could not be finalized and after the impasse so created was lifted, they were appointed in the year 2016. In the interregnum, the vacancies earmarked for the subsequent years were filled up with the promotees and they were placed at the promotional posts in the year 2015.
 5. The draft gradation list was published by the authority where the appellants were placed in the higher pedestal than the promotees treating their appointments having been made in the year 2011 despite the admitted fact that they were actually appointed posterior to the promotion having been given to the aforesaid promotees. The draft gradation list was published inviting objections from the different

corners, which was ultimately finalized, but the challenge was made to such final gradation list taking aid of the provision contained under the Odisha Administrative Service (Method of Recruitment & Conditions of Service) Rules, 2011. It admits no ambiguity that two channels for filling up of the posts of OAS Group-A (JB) are provided in the said Rules, i.e. by direct recruitment and by promotion. Rule-11 of the said Rules provides an exhaustive provision relating to the *inter se* seniority amongst the OAS Group-A (JB) officers and precedence is given to promotees having an edge over the direct recruitees. There does not appear any ambiguity and/or discrepancy in this regard, but the dispute sees the light of the day when the direct recruitees who were appointed in the year 2016 in pursuance of the recruitment process initiated in the year 2011 were treated to have born in the cadre in the year 2011 and they were placed at the higher position in the gradation list to the promotees of the year 2015. The single bench disposed of a spate of the writ petitions at the behest of both the promotees and the direct recruitees with the specific direction upon the authorities to re-visit the finally published gradation list and put the promotees on a higher pedestal than that of the direct recruitees as the date of the appointment is *sine qua non* in placing the officers in the gradation list.

6. The parties have taken shelter under the larger bench judgment of the Supreme Court in ***K. Meghachandra Singh and others v Nigam Siro and others***, reported in (2020) 5 SCC 689, wherein it is held that the earlier judgment rendered in the case of ***Union of India v. N.R. Parmar***, reported in (2012) 13 SCC 340 is not a good law. However, the larger bench was conscious of the fact that while said *N.R. Parmar* case was operating and/or occupying the space in the legal

field, actions have been taken by different departments across the country and, therefore, categorically observed that such actions shall be saved and the operation of the judgment so rendered by the larger bench would operate prospectively.

7. The issue, which in our opinion, emanates from the stand of the respective parties is to interpret the expression “recruitment year” and to place the officers in the gradation list when they are born in the cadre. In absence of any statutory rules or the provisions contained therein signifying that the officers should be placed on the date of the appointment, if the process of recruitment has been impeded for the reasons beyond the control of the direct appointees, whether they should be treated to have born in the cadre of the particular year 2011 or to be treated by recognizing them as born in the cadre on the date of their appointment.

8. We thus find, a *prima facie* case has been made out for an interim protection and, we therefore, restrain the authorities not to give effect to or further effect to the gradation list finalized and/or published in terms of the impugned order and any action which has been taken in the interregnum shall be subject to the result of the instant appeal.

9. List these matters on 17th August, 2026.

(Harish Tandon)
Chief Justice

(M.S. Raman)
Judge

Arun Mishra.