



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.A. No.498 of 2020

State of Odisha

....

Appellant(s)

Represented by Adv.-
Mr. Debraj Mohanty, AGA

-Versus-

**Padmanava Pradhan and
others**

....

Respondent(s)

Represented by Adv.
Mr. Kali Prasanna Mishra, Senior Advocate
Mr. Sushanta Kumar Pradhan, Advocate
(for respondent Nos.1 to 24)
Mr. S. K. Purohit, Advocate
(for respondent Nos.25 and 26)

CORAM:

**HON'BLE MR. JUSTICE MANASH RANJAN PATHAK
AND
HON'BLE MR. JUSTICE SIBO SANKAR MISHRA**

ORDER

25.03.2026

(Hybrid mode)

W.A. No.498 of 2020

&

I.A. Nos.1229 & 1242 of 2026

Order No.

- 40.**
- 1.** Heard learned counsel for the parties.
 - 2.** This is an application moved by the private respondents seeking stay of the selection process initiated by the State Government for filling of the post of Junior Assistant for the Sambalpur University vide the Advertisement No.01/2026 dated 09.03.2026.
 - 3.** The writ appeal is pending since 2020. Applying the ratio laid down by the Hon'ble Supreme Court in the case of **Secretary, State of Karnataka and others**



vrs. Umadevi, reported in **(2006) 4 SCC 1**, ***State of Jharkhand vrs. Kamal Prasad***, reported in **2014 (7) SCC 223** and ***Narendra Kumar Tiwari vrs. State of Jharkhand***, reported in **2018 (8) SCC 238**, the learned Single Judge vide impugned judgment and order dated 03.07.2020 has directed regularization of the service of the respondent Nos.1 to 24 against the post of the Junior Assistant in Sambalpur University, Sambalpur. The intra-court appeal is filed against the said judgment and order dated 03.07.2020, which is pending under consideration in this Appeal.

4. It is the case of the respondent Nos. 1 to 24 as well as the University-respondent Nos.25 and 26 that in the review meeting held on 24.06.2008 under the Chairmanship of the Chief Secretary of the State, a decision was taken to appoint 23 numbers of Executive Assistants. Pursuant to the said decision, a selection process had taken place and the respondents have been appointed as against the 23 numbers of vacant post. When they were working in their position, an advertisement dated 04.09.2014 was issued for appointment in 11 Junior Assistant. The respondents challenged the said advertisement and also sought for a direction for their regularization. The learned Single Judge of this Court vide impugned judgment dated 03.07.2020 directed for regularization of the service of the respondent Nos.1 to 24 against the post of the Junior Assistant within a period of three months.



Although in the present writ appeal, the aforementioned judgment dated 03.07.2020 passed by the learned Single Judge in W.P.(C) No.18298 of 2014 has been assailed, but in the writ appeal, this Court has not stayed the operation of the impugned order. When the writ appeal is sub-judice, the impugned Advertisement No.01/2026 dated 09.03.2026 has been issued for filling up 22 posts of Junior Assistant in the Sambalpur University. Therefore, the respondents have filed the present application seeking stay of the said selection process.

5. Mr. Purohit, learned counsel for the University by supporting the case of the private respondents has submitted that there are sufficient vacancies of Junior Assistant level available under the University and decision was taken at the highest level in presence of the Chief Secretary to fill-up those vacancies. Accordingly, selection process was carried out and the respondents have been appointed. They have been continuously working in their position.

6. Mr. Mohanty, learned counsel appearing for the State-appellant, however opposes the prayer made in the application.

7. We have taken into consideration the rival submission of both the parties and arrived at the view that non-issuance of the appropriate order at this stage by staying the selection process in so far as the Sambalpur University is concerned, would lead to multiplicity of litigation. Therefore, we think it



appropriate to direct stay of the selection process initiated through the Advertisement No.01/2026 dated 09.03.2026 in so far as the post of the Junior Assistant in Sambalpur University is concerned.

8. Accordingly, the appellants are directed not to further proceed in the selection process in pursuance to impugned Advertisement No.01/2026 dated 09.03.2026 in relation to the Sambalpur University for the post of Junior Assistant till the next date of hearing.

9. Learned counsel for the respondents has relied upon couple of judgments and copy of the same has been supplied to the learned counsel for the appellant. Learned counsel for the appellant seeks for an adjournment to verify the applicability of the ratio laid down in those judgments to the present case and address this Court on the next date of hearing.

10. List this matter on 11th May, 2026.

(Manash Ranjan Pathak)
Judge

(Sibo Sankar Mishra)
Judge