



IN THE HIGH COURT OF ORISSA AT CUTTACK
W.A. No.1755 of 2023

State of Odisha & others

.... *Appellants*

Mr. Siba Narayan Biswal,
Additional Standing Counsel

-versus-

Bishnu Charan Mishra

.... *Respondent*

Mr. Swapna Kumar Ojha, Advocate

CORAM:
JUSTICE K.R. MOHAPATRA
JUSTICE SANJAY KUMAR MISHRA

ORDER
06.05.2026

Order No.

IA No.4734 of 2023

- 03.
1. This matter is taken up through hybrid mode.
 2. This is an application for condonation of delay of 279 days in filing the writ appeal.
 3. The writ appeal, out of which this I.A. arises, was dismissed by this Court on the ground of delay.
 4. Assailing the same, the State of Odisha moved the Hon'ble Supreme Court in Civil Appeal No.10490 of 2025, which was allowed vide order dated 11th August, 2025 with the following directions:-

“5. We have perused the order impugned. We find that the High Court in one line said that there is no sufficient cause shown to condone the delay. The High Court has not considered averments made in the application for condonation of delay.

6. In such circumstances, we deem it appropriate to allow the appeal and direct that application seeking condonation of delay in preferring the writ appeal and the writ appeal shall stand restored on the file of the High Court and would be decided afresh in accordance with law.



7. It is made clear that we have not expressed any opinion as to whether the cause shown for condonation of the delay is sufficient or not.”

5. Accordingly, the interim application is taken up today.

6. Mr. Biswal, learned Additional Standing Counsel in his submission reiterated the grounds taken by the Appellants in paragraph Nos.2, 3 & 4 of the IA.

7. Mr. Ojha, learned Counsel for the Respondent vehemently objects to the same, submitting that similarly situated persons, who were taken into service after the Respondent, were regularised, but the Respondent was discriminated. In the meantime, the Respondent has already been superannuated from service. The grounds taken in the interim application clearly reflects the redtapism of the State Government and negligence on their part is apparent. Hence, he prayed to reject the interim application so also the writ appeal.

8. Taking into consideration the submissions made by learned counsel for the parties, we feel it proper to hear the writ appeal on merit.

9. Hence, delay in filing the writ appeal is condoned subject to payment of cost of Rs.20,000/-(Rupees Twenty Thousand) only, to be paid to the Respondent through Mr. Ojha, learned Counsel representing him. The cost shall be paid within a period of 15 days hence.

10. Accordingly, the I.A. is disposed of.

(K.R. Mohapatra)
Judge

(S.K. Mishra)
Judge



W.A. NO.1755 of 2023

04. 1. If the cost is paid as directed above, the writ appeal shall be listed on 5th August, 2026 under the heading “Prioritised by the Hon’ble Supreme Court”.

(K.R. Mohapatra)
Judge

(S.K. Mishra)
Judge

Prasant