



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.24401 of 2025

Paresh Kumar Ray & Others ... **Petitioners**

Mr. B.P.B.Bahali, Advocate

-versus-

State of Odisha & Others ... **Opp. Parties**

Mr. S.P. Das, ASC

CORAM:

JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

12.09.2025

Order No.

- 4.** 1. This matter is taken up through hybrid mode.
- 2.** Heard learned counsel appearing for the parties.
- 3.** The present Writ Petition has been filed inter alia with the prayer to quash the Advertisement dt.17.01.2025 so issued under Annexure-1 and the corrigendum issued on 31.07.2025 under Annexure-4 for recruitment to the post of Sub-Inspector of Police, Sub-Inspector of Police(Armed), Station Officer(Fire Service) and post of Asst. Jailor under the Home Deptt. or in the alternate to allow Petitioners to apply and participate in the examination in question pursuant to Advertisement dt.17.01.2025 and corrigendum dt.31.07.2025 under Annexures-1 & 4.



4. Learned counsel appearing for the Petitioners contended that challenging the fixation of upper age limit at 25 years with relaxation of the age by 5 years in respect of S.C, S.T/SEBC/Women candidates of all categories, the matter was carried to this Court in W.P.(C) NO.3015 of 2025 and batch.

4.1. It is contended that all those Writ Petitions were disposed of vide order dt.24.07.2025 under Annexure-3 taking into account the concession given by the State to give age relaxation upto 3 years to all aspiring candidates. Observation/direction containing para-25 of the order dt.24.07.2025 reads as follows:

25. *In view of the aforesaid development, this court deems it proper to dispose of the present writ applications in terms of the decision taken by the State Government and communicated to the learned Advocate General vide letter dated 24.07.2025. Accordingly, while disposing of the present writ applications, this Court directs the Opposite Parties to publish a fresh corrigendum indicating the aforesaid age relaxation. Such corrigendum shall be given wide publicity as per the normal practice adopted by the State-Opposite Parties. Further, the Opposite Parties shall open the Web Portal for a period of ten days starting w.e.f 28.07.2025 and accept the online application forms which are likely to be submitted by the candidates who are found eligible in terms of the aforesaid age relaxation and who have not applied earlier. So far the candidates who have already applied, they need not apply again. Accordingly, the applications submitted by all eligible candidates including the candidates who were found eligible pursuant to the decision of the State Government to grant 3 years age relaxation shall be considered simultaneously.*

Considering the fact that the recruitment process has already been delayed, the State-Opposite Parties are directed to make every endeavour to conclude the entire selection process as expeditiously as possible preferably within a period of three months from today. Before



parting this Court would like to further clarify that the decision taken by the State-Opposite parties and communicated to the learned Advocate General vide letter dated 24.07.2025 has been taken as a onetime benevolent measure and the same shall not be treated as a precedent in future.

4.2 Considering the nature of order passed by this Court on 24.07.2025 while issuing the corrigendum vide Corrigendum dt.31.07.2025 under Annexure-4, the upper age limit was extended to 28 years as on dt.01.01.2024 for UR candidates and 33 years in respect of S.E.B.C, S.C, S.T/Women in all category.

4.3. Learned counsel appearing for the Petitioners contended that since while disposing the earlier batch of Writ Petitions, this Court had no occasion to consider other illegalities reflected in the impugned Advertisement dt.17.01.2025 and after issuance of the corrigendum under Annexure-4, Petitioners found that the stipulation contained in para-4 of the Advertisement dt.17.01.2025, so far as extension of age relaxation of 5 years to women candidates in all categories is concerned is not legal and justified, present Petitioners filed Review Petition No.186 of 2025, seeking review of order dt.17.01.2025.

4.4. This Court vide order dt.13.08.2025 while allowing the Review Petition permitted the Petitioners to raise the issue, so far as extension of age relaxation of 5 years to women candidates in different categories including Women (UR) candidates. The view expressed



by this Court in para-9 & 10 of order dt.13.08.2025 in Review Petition No.186 of 2025 reads as follows:

9. Having heard the learned counsels appearing for the respective parties and on a careful examination of the background facts, further on a close scrutiny of order dated 24.07.2025, this court observes that a common issue that was involved in all the Writ Petitions was with regard to the grant of age relaxation in the upper age limit to the candidates. Such relaxation was claimed on the basis of a decision taken earlier by the State Government in respect of the constables. In course of hearing of the matter, the learned Advocate General, on instruction, submitted that the State Government is agreeable to extend such relaxation in favour of the candidates aspiring to be appointed as Sub-Inspector of Police and, accordingly, the letter dated 24.07.2025 was produced before this Court. Basing upon the statement of the learned Advocate General as well as the letter dated 24.07.2025 of the State Government, the above noted writ petitions were disposed of vide a common order dated 24.07.2025. So far as the present Review Petitioners are concerned, they were Petitioners in W.P.(c) Nos.4094,4512,3956,7667 & 3703 of 2025. Learned counsel for the Petitioners further submitted that the Petitioners are specifically challenging the age relaxation granted to the women belonging to the General Category as per the advertisement, which is contrary to the provisions contained in the relevant recruitment rules. Further, this Court is of the view that the aforesaid point was never specifically argued at the time of hearing of the batch of writ petitions and the order dated 24.07.2025 was passed with the consent of the learned counsel for the Petitioners. It also appears that in the meantime a corrigendum has also been issued on 31.07.2025 pursuant to order dated 24.07.2025.

10. In such view of the matter, this Court, while disposing of the review petition, grants liberty to the Petitioners to approach this Court afresh by raising the aforesaid issue specifically by filing a fresh writ petition, if so advised.

4.5. Learned counsel appearing for the Petitioners contended that the present Writ Petition has been filed pursuant to the liberty granted by this Court in its order dt.13.08.2025. It is contended that since in



para-4 of the impugned Advertisement dt.17.01.2025 while allowing age relaxation of 5 years, such age relaxation has been extended in favour of women category belonging to UR category which is not permissible, such a stipulation contained in the impugned Advertisement is illegal and not sustainable in the eye of law and consequentially the impugned Advertisement with such stipulation requires interference of this Court.

5. Considering the submission so made, this Court passed the following order on 08.09.2025.

Order
08.09.2025

- 1.** This matter is taken up through hybrid mode.
- 2.** Heard learned counsel appearing for the parties.
- 3.** Learned counsel appearing for the Petitioners faily contended that pursuant to the earlier order passed by this Court on 24.07.2025 in W.P.(C) No.3015 of 2025 under Annexure-3 though corrigendum has been issued by extending upper age limit by 3 years as directed, but he is aggrieved by the stipulation contained in Para-3(b) of the original advertisement issued on 17.01.2025 under Annexure-1.
- 4.** Learned Addl. Standing Counsel when raised an objection with regard to maintainability of the Writ Petition on the face of the earlier order passed by this court on 24.07.2025 under Annexure-3, learned counsel appearing for the Petitioners produced copy of order dated 13.08.2025 so passed by this court in Review *Petition No.186 of 2025 (copy of the order so produced in Court be kept in record). Copy of the order passed in Review Petition is also provided to the learned Addl. Standing Counsel in Court.*



5. Basing on the order passed in the review petition, learned Counsel appearing for the Petitioners contended that the present Writ Petition has been filed.

6. Learned Addl. Standing Counsel prays for some time to obtain instruction on the order passed in the Review Petition.

7. As requested, list this matter on 11.09.2025.

6. Subsequently, while taking up the issue on 11.09.2025, learned counsel appearing for the Petitioners when was put a specific question as to whether all the Petitioners are eligible now to make the application in terms of the advertisement issued under Annexure-1 and Corrigendum issued on 31.07.2025 taking into account their age mentioned in the cause title, learned counsel appearing for the Petitioners prays for some time to make further submission.

7. Today, when the matter was taken up and similar question was put as to whether all the Petitioners are eligible to make the application pursuant to Annexure-1 and Corrigendum issued under Annexure-4 and thereby are competent to challenge the stipulation contained in para-4 of the Advertisement dt.17.01.2025, learned counsel appearing for the Petitioners contended that since stipulation in para-4 of the Advertisement is under challenge basing on the liberty granted by this Court in the Review Petition, the Writ Petition at the instance of all the Petitioners is maintainable.



7.1. However, this Court taking into account the age mentioned in the cause title in respect of all the Petitioners when found that most of the Petitioners are not eligible to make their applications after even getting the benefit of age relaxation in terms of the Corrigendum issued under Annexure-4, and held the Writ Petition is not maintainable at the instance of such Petitioners, who are not otherwise eligible to make the application and was inclined to entertain the Writ Petition in respect of the Petitioners who are otherwise eligible, learned counsel appearing for the Petitioners created an unruly scene in the Court and did not allow the Court to pass any order. Learned counsel appearing for the Petitioners insisted to entertain the Writ Petition in respect of all the Petitioners and to pass an interim order staying the selection process initiated pursuant to Annexure-1. When this Court did not accede to such submission of the learned counsel appearing for the Petitioners, Mr. B.P.B. Bahali, learned counsel did not allow the Court to pass any order and created a situation unbecoming on the part of an Advocate, so appearing before a Constitutional Court like the High Court.

7.2. In view of such conduct of the learned counsel appearing for the Petitioners, this Court is not inclined to hear the Writ Petition and request the Hon'ble the Chief Justice to place the matter before any other Bench.



7.3. Registry is however directed not to list any of the matters, where Mr. B.P.B Bahali is a counsel, before this Court henceforth.

7.4. Put up the matter before the Hon'ble the Chief Justice for appropriate order.

(Biraja Prasanna Satapathy)
Judge

sangita