



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.A. No.2459 of 2024

***Principal Secretary, ST & SC
Development, Minorities &
Backward Classes Welfare
Department & another*** ***Appellants***

Mr. S.B. Mohanty, AGA

-versus-

***Sri Venketeswar Praharaj &
others*** ***Respondents***

Mr. P.C. Mahapatra, Advocate

**CORAM:
JUSTICE KRISHNA SHRIPAD DIXIT
JUSTICE CHITTARANJAN DASH**

Order No.

**ORDER
26.02.2026**

09. State and its officials are knocking at the doors of the Appellate Court in this Intra-Court Appeal for laying a challenge to the learned Single Judge's order dated 13.11.2023, whereby Respondent's W.P.(C) No.2088 of 2023 having been favoured, the relief of regularization of services has been accorded.

2. Learned AGA Mr. Mohanty, in his usual style argues that the regularization could not have been granted by the learned Single Judge in view of decision in ***Secretary, State of Karnataka vs. Umadevi***, 2006 (4) SCC 1 and the genre of those rulings. He also tells us that the learned Judge failed to take note of the fact that there were no sanctioned posts nor vacancies and therefore, question of regularization would not figure in the case at hand.



3. Learned counsel representing the Respondent-employee opposes the Appeal making submission in justification of the order of the learned Single Judge and the reasons on which it has been constructed. He tells that **Umadevi (Supra)** is not destination point of law of regularization, there being march of the law by virtue of **Jaggo v. Union of India**, 2024 INSC 1034, **Shripal v. Nagar Nigam, Gajiabad**, MANU/SC/0139/2025, **Dharam Singh & Others v. State of U.P. & Another** in Civil Appeal No.8558 of 2018 decided on 19.08.2025, **Pawan Kumar & others v. Union of India & others**, 2026 INSC 156 and **Bhola Nath v. The State of Jharkhand & others**, 2026 INSC 99. He also contends that the argument that posts are not available itself is not available inasmuch as the Respondent is a Cook-cum-Attendant.

4. Having heard learned counsel for the parties and having perused the Appeal papers, we decline indulgence in the matter, inasmuch as the Respondent-employee has already put in a long and spotless service of about 18 years without protection from Court's order. A person, who has been continued in service for decades, ordinarily would get right of regularization in the light of the decision cited on behalf of the Respondent. This aspect having animated in the impugned judgment of the learned Single Judge, there is least scope for our interference in the matter. Even otherwise, the impugned order had brought about a just result in the circumstances of the case and therefore, its sustainability stands not demonstrated, regardless of some arguable infirmities this side or that.



In the above circumstances, Appeal being unworthy of merits is liable to be rejected and accordingly it is, giving a period of eight (08) weeks for implementing the impugned order, failing which, the Appellants may run the risk of the hauled of contempt jurisdiction

Now, no costs.

Web copy of this order to be acted upon by all concerned.

(Krishna Shripad Dixit)
Judge

(Chittaranjan Dash)
Judge

Bijay/Sarbani