



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) Nos.21675, 23584, 23594, 23763, 24268,
24270, 24276, 24280, 24470, 24885, 25254, 25282,
25283, 25286, 25296, 25298, 25322, 25328, 25538,
25582 & 25611 of 2024

&

W.P.(C) No.32343 of 2025

In the matter of applications under Articles 226 & 227 of the
Constitution of India

Santosh Kumar Swain

In W.P.(C) No.21675 of 2024

Basanta Kumar Nepak & Others

(In W.P.(C) No.23584 of 2024)

Chittaranjan Singh & Others

(In W.P.(C) No.23594 of 2024)

Kasman Meher & Others

(In W.P.(C) No.23763 of 2024)

Rutupriya Pani & Another

(In W.P.(C) No.24268 of 2024)

Rashmita Sahoo

(In W.P.(C) No.24270 of 2024)

Banashree Kananika Mohanty & Others

(In W.P.(C) No.24276 of 2024)

Chandan Kumar Giri

(In W.P.(C) No.24280 of 2024)

Artatrana Khurdia & Another

(In W.P.(C) No.24470 of 2024)

Purnima Behera

(In W.P.(C) No.24885 of 2024)

Prajna Parimita Nayak

(In W.P.(C) No.25254 of 2024)



Dharmaraj Sahu

(In W.P.(C) No.25282 of 2024)

Rajanikanta Pradhan

(In W.P.(C) No.25283 of 2024)

Dharani Munda & Others

(In W.P.(C) No.25286 of 2024)

Mamatarani Behera & Others

(In W.P.(C) No.25296 of 2024)

Anita Tirkey & Another

(In W.P.(C) No.25298 of 2024)

Swarna Prava Sahoo & Others

(In W.P.(C) No.25322 of 2024)

Sanghamitra Patra

(In W.P.(C) No.25328 of 2024)

Brundabati Deheria & Others

(In W.P.(C) No.25538 of 2024)

Sasanka Sekhar Jena & Another

(In W.P.(C) No.25582 of 2024)

Himani Abhilipsa Badu & Another

(In W.P.(C) No.25611 of 2024)

Bidhusmita Kar

(In W.P.(C) No.32343 of 2025)

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Petitioners

-Versus-

State of Odisha & others

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Opp. Parties

In all W.Ps.

Advocates appeared in these cases:

For Petitioners : Mr.Asok Mohanty, Sr. Advocate &
Mr.Budhadev Routray, Sr. Advocate
with M/s.Subhadutta Routray,



S.K. Samal, S. Sekhar, A.K. Das,
J.Biswal & M. Panda, Advocates
except W.P.(C) No.32343 of 2025

M/s.Subhransu Bhusan Mohanty,
S.Mohapatra & B.B.Mohapatra,
Advocates in W.P.(C) No.32343 of
2025

For Opp. Parties : Mr.Dayanidhi Lenka.
Addl. Govt. Advocate,
State-O.Ps.

Mr.P.K.Parhi, DSGI with
Mr.Daranarayan Pattnayak, Sr. Panel
Counsel for Union of India

CORAM:

THE HON'BLE MR. JUSTICE DIXIT KRISHNA SHRIPAD

J U D G M E N T

Date of hearing & judgment : 17.12.2025

PER DIXIT KRISHNA SHRIPAD,J.

Shorn off thickness of pleadings and the plethora of documents accompanying the same, the essential grievance in all these petitions is against rejection of candidature for recruitment of Junior Teachers (Schematic)-2023, pursuant to Advertisement dated 10.09.2023 issued by OP No.2. The Notification No. 916/Estt dated 16.01.2024 specifically provides "*Candidates applied with*



qualification of 18 months D.El.Ed. course from 2017-2019 through ODL from NIOS will not be entertained.” This is the banal part on which these Petitions having common fact matrix have been structured.

2. Learned Senior Advocates appearing for the Petitioners seek to falter the impugned action on the ground that their clients do satisfy the requisite qualification in the light of Apex Court decision in *Jaiveer Singh & Ors. v. State of Uttarakhand & Ors.*¹, followed by the review judgment dated 10.12.2024. After service of notice, the OPs having entered appearance through the learned AGA have filed the counter affidavits resisting the petitions controverting petitioners’ version. Learned AGA appearing for the OPs, vehemently contends that the Advertisement prescribes a particular educational qualification, namely, a 2-Year Diploma, as specified by the National Council for Teacher Education (NCTE), whereas all these Petitioners do have 18-Month Diploma Course; the Apex Court decision in *Jaiveer Singh supra* as also the review judgment do not equate 18-Month Diploma to 2-Year Diploma. Lastly, he contends that the said judgment even otherwise is *per incuriam*. So contending, he seeks dismissal of writ petitions.

¹. 2023 INSC 1024.



3. Having heard learned counsel for the parties and having perused the petitions papers, this Court is inclined to grant indulgence in the matter as under and for the following reasons:

3.1. The Odisha School Education Programme Authority, vide Notice No. 10576/2023 dated 10.09.2023 initiated the recruitment process for appointing 20,000 Junior Teachers (Schematic) in the Primary & Upper Primary Schools in the State. Petitioners along with others staked their claim for selection & appointment. They were in private employment as on 10.08.2017 and that they possess 18-Month Diploma, which is in substitution of the prescribed 2-Year Diploma in Elementary Education in the light of NCTE Recognition Order No. 182459-61 dated 22.09.2017. By this Order issued in terms of HRD direction, under Section 29 of the National Council for Teacher Education Act, 1993, the 18-Month Diploma through ODL Mode in respect of in-service candidates replaces the requirement of 2-Year Diploma, only in respect of these candidates, as a one-time relaxation. This accords with Clause-12 of NCTE (Recognition Norms & Procedure) Regulations, 2014, as modified by the recognition order date 22.09.2017. This Court hastens to add that, it is not a case of universally equating 18-Month Diploma to the 2-Year Course. Thus, it is a case of special relaxation.



3.2. The above view gains support from the Apex Court decision in **Jaiveer Singh** *supra* and more particularly its order dated 10.12.2024 made in Review Petition Diary No. 4961 of 2024, wherein Paragraphs 1 & 3 read as under:

“1. The grievance sought to be raised on behalf of the review petitioners and some of the applicants before this Court is that though they were in employment and covered by the recognition order dated 22.09.2017, they believe that the judgment and order of this Court dated 28.11.2023 (hereinafter ‘judgment under review’) would come in their way if they want to make better their prospects by applying either in other institutions or for promotional avenues.

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3. However, to avoid any confusion, we again clarify that the 18 months diploma obtained by such persons, who were in employment as on 10.08.2017 and who have completed the diploma course of 18 months, would be treated as valid diploma holders for the purpose of applying in other institutions or for promotional avenues.”

3.3. It is very pertinent to mention that nineteen (19) candidates under the very same recruitment process had filed before the Apex Court Transfer Petition (C) No. 1052 of 2025 connected with Transfer Petition Nos. 1404-1406 of 2025. These petitions were taken up by the Apex Court along with Transfer Petition Nos. 1995-1997 of 2024 between Adarsh Kumar Srivastav & Ors. v. State of Uttar Pradesh & Ors. The Apex Court in Transfer Petition (C) Nos. 1052 and 1404-1406 of 2025 has observed as under:



- “1. This Court, in the cases of *Jaiveer Singh and Ors. Vs. The State of Uttarakhand and Ors.*, reported in 2023 INSC 1024, which has been substantially relied upon from time to time, held that the candidates who were in employment as on 10.08.2017 and who had completed the Diploma of 18 months, would be treated as valid diploma holders for the purpose of applying in other institutions or for promotional avenues.
2. In the present matters, it is not in dispute that the petitioners were in employment as on 10.08.2017.
3. The sole ground on which they were denied appointment was that they did not possess the diploma of two years.
4. In that view of the matter, the transfer petitions are allowed.
5. The respondent(s)-State(s) are directed to issue appointment to the petitioners within a period of three months from today.”

The State of Odisha was also a party to this order, wherein a specific direction has been given for appointing these nineteen (19) candidates within three months in the light of *Jaiveer Singh supra*. That being the position, it is not open to the AGA to contend that **Jaiveer Singh** is *per incuriam*.

3.4. The vehement submission of learned AGA that the Apex Court decision in above Transfer Petitions is party-specific and therefore petitioners herein cannot take advantage of the same, if countenanced would create an artificial classification, which would fall foul of Article 14 of the Constitution of India vide *E.P. Royappa v. State of Tamil Nadu*². If nineteen candidates are given appointment orders in terms of Apex Court decision, this Court fails to understand as to how justifiably the same benefit can be

². AIR 1974 SC 555.



denied to these petitioners, who too have staked their claim for appointment with the same qualification and under the very same recruitment process. A constitutionally ordained Welfare State cannot take such a discriminatory stand, to say the least. Since petitioners had the benefit of interim orders reserving vacancies, there is absolutely no difficulty for the OPs to accommodate them in the existing vacancies.

3.5. There is one more aspect which cannot be left unsaid: Day in & day out, this Court is dealing with cases of contempt, wherein Writs & Orders are not complied with, and more often than not there is no justification for such defiance. Apex Court observed: '*A message requires to be given to everybody that no one, howsoever high he may be, is above law. When a Constitutional Court, or for that matter, any Court, issues any direction, every authority howsoever high he or she may be, is bound to respect said orders ... A disobedience of the orders passed by the Courts attacks the foundation of rule of law on which democracy is based*'³. Contempt cases have avoidably added to the mounting pendency of litigations. Mere passing of orders is not going to do justice to the deserving. A Writ Court has to ensure that no litigant is made to take multiple trips to its corridors

³. Tata Mohan Rao v. S. Venkateswarlu, 2025 INSC 678.



seeking compliance of orders. Time has come to write Judgments with pen dipped in acid. This is not a happy thing to happen.

In the above circumstances, all these petitions succeed. A Writ of Certiorari issues quashing the impugned condition in the Notification dated 16.01.2024 which reads: “*Candidates applied with qualification of 18 months D.El.Ed. course from 2017-2019 through ODL from NIOS will not be entertained*”. A Writ of Mandamus issues directing the State Government to bestow appointments upon the petitioners to the respective posts in question within three months, if they are otherwise eligible & qualified.

Compliance report to be filed with the Registrar General of this Court within the said period of three months, failing which the jurisdictional officials run the risk of penal action for contempt.

Now, no costs.

Web copy of judgment to be acted upon by all concerned.

***Dixit Krishna Shripad,
Judge***