

IN THE HIGH COURT OF ORISSA AT CUTTACK
EXP No.32 of 2025

Kadrin Khatoon

.....

Petitioner

Represented by Adv. –
Mr. Asish Kumar Ray

-versus-

1) State of Odisha

.....

Opposite Parties

2) Additional Chief Secretary
3) Secretary Odisha Sub- Ordinate
Staff Selection Commission (OSSSC) ,
Bhubaneswar.
4) Director of Nursing, Odisha

Represented by Adv. –
Mr. S.J. Mohanty,
A.S.C.

CORAM:
REGISTRAR (JUDICIAL)

ORDER
08.07.2026

Order No.

6. Learned counsel for the petitioner, decree holder and the learned A.S.C. are present.

Perused the execution petition case record and disposed of order passed by the Hon'ble Court on 01.03.2024 passed in WP(C) No.38741 of 2023.

Learned A.S.C. submitted that O.P. No.1 i.e. Commissioner-cum-Secretary to the Government of Odisha, Health and Family Welfare Department, Bhubaneswar has filed show cause affidavit on 19.02.2026 which is available in the case record. He further submitted that challenging the common order passed by the Hon'ble court in a batch case dtd 1.03.24 the state govt. had preferred a writ appeal No. 2652 of 2024 which was stayed by the Hon'ble court vide order dtd. 18.06.25. As the order passed has been stayed further proceeding of the case be stayed till disposal of the writ appeal.

On the other hand the learned counsel for the petitioner further submitted that admittedly the common order passed in the writ petition has been stayed but the present petitioner has not been arrayed as an party. So the present proceeding cannot be stayed.

Heard rival submissions from both the sides, perused the case record and it reveals that vide a common judgment dtd 1.3.24 the Hon'ble court had disposed of a batch of cases. Out of the same the case of the present petitioner is one. However the state govt. has challenged the said order by filing the writ appeals. As seen from the annexures filed with the show cause affidavit the state govt. had filed Writ Appeals bearing No.2662 of 2024 and 2652 of 2024. In both the writ appeals the present petitioner is not a party. But nevertheless the Hon'ble Court in W.A.No. 2652 of 2024 has stayed the order of the Hon'ble single Judge. In such peculiar circumstances I am of the considered view that even though the present petitioner is not a party to the said proceeding this executing court cannot proceed further in view of the stay granted by the Hon'ble Court in the writ appeal. However both the sides are instructed either to implead the petitioner as one of the party in W.A.No.2652 of 2024 or to bring a separate proceeding.

Put up the case record on 5.8.26 for further order.

Registrar (Judicial)
Lawazima