



IN THE HIGH COURT OF ORISSA AT CUTTACK

CONTC No. 7667 of 2024

Deeptimayee Panda

....

Petitioner

Mr. Ashutosh Mishra, Advocate

-versus-

***Ms. Shalini Pandit, Commissioner-
cum-Secretary, School and Mass
Education Department***

....

Opposite Party

Mr. Saswat Das, Advocate

**CORAM:
HON'BLE THE CHIEF JUSTICE
AND
HON'BLE MR JUSTICE MURAHARI SRI RAMAN**

Order No.

**ORDER
23.03.2026**

09. 1. This contempt application is taken out by the petitioner alleging that the alleged contemnor has wilfully and/or deliberately violated the order of this Court dated 5th October, 2023 passed in WPC(OAC) No.3586 of 2015. The said order runs thus:

“This matter is taken up by hybrid mode.

2. Heard learned counsel for the parties.

3. The petitioner has filed this writ petition seeking to quash the notification dated 03.08.2015 under Annexure-3 containing the recommendation of the meeting under Annexure-4 and to issue direction to



the opposite parties no.2 and 3 to consider her case for appointment against any posts of Group-C category from the date of joining with all service and financial benefits.

*4. Mr. A. Mishra, learned counsel for the petitioner states that the case of the petitioner is covered by the judgment of this Court in the case of **State of Odisha v. Bindusagar Samantray** (W.A. No.810 of 2021 disposed of on 25.09.2023), to which Mr. A.K. Mishra, learned Addl. Government Advocate appearing for the State-opposite parties has raised no objection.*

*5. In the above view of the matter, this writ petition stands disposed of in terms of the judgment of this Court in the case of **State of Odisha v. Bindusagar Samantray** (W.A. No.810 of 2021 disposed of on 25.09.2023).”*

2. It thus appears from the said order quoted hereinabove that the writ petition filed by the petitioner was in relation to a notification dated 3rd August, 2015 containing the recommendation of the meeting and seeks a direction upon the authorities to consider her case for appointment against any posts of Group-C category from the date of joining with all service and financial benefits.



3. At the time of disposal of the said writ petition, the counsel for the petitioner unequivocally submitted that the issue involved in the said writ petition is covered by a judgment of this Court rendered in the case of *State of Odisha v. Bindusagar Samantray* (W.A. No.810 of 2021 disposed of on 25.09.2023). The said submission advanced before the Bench was not opposed by the counsel appearing for the State and on the basis of the aforesaid fact discerned in course of the hearing, the Court disposed of the writ petition with categorical observation that the judgment rendered in *State of Odisha v. Bindusagar Samantray* (*supra*) shall apply to the instant writ petition as well.

4. Our attention is drawn to the judgment rendered in *State of Odisha v. Bindusagar Samantray* (*supra*) where one of the issues relating to the applicability of the Odisha Civil Services (Rehabilitation Assistance) Rules, 1990 was raised and it was categorically observed that the Rules which was prevalent on the date of the death of the employee while in service shall govern the applications relating to compassionate appointment. The operative portion of the said judgment is reproduced hereinbelow for the



purpose of determining the submissions advanced before this Court, which runs thus:

“We direct the appellants to consider the cases of the petitioner-respondents within the period of four months from today. For that, the State shall form a Special Committee for consideration of the cases of the writ petitioners-respondents in order to assist the authorities to issue the rehabilitation appointments. We make it further clear that this Court will not extend the stipulated time. Keeping that in view State Government shall expedite the process of the formation of committee. The cases of rehabilitation appointments are to be considered with empathy and hence the rigid technicalities are not germane. Before parting with the records, we direct the respondent-petitioners to extend all out cooperation to the State Government so that their appointments can be considered at earliest.”

5. The cumulative effect of the narration of the facts as above leaves no ambiguity in our mind that the writ petition filed by the petitioner was disposed of on the basis of the judgment rendered in ***Bindusagar Samantaray*** (*supra*) and, therefore, the directions passed therein become an integral part of the judgment rendered in the said writ petition.



6. It is trite law that if the Court grants a relief out of several reliefs claimed in the writ petition or moulds the relief at the time of the disposal of the litigation in its finality, it implies the rejection of the other reliefs. The contention of the counsel for the petitioner that in effect the challenge was made to an appointment letter issued to the petitioner, which was not in commensurate with the educational qualification and, therefore, while issuing the order of appointment, the authorities must take into account the above aspects. Therefore, the authorities have exposed themselves liable to be punished under the Contempt of Courts Act, 1971 having not suitably modified the order of appointment in the manner as prayed for in the said writ petition. We are unable to comprehend such notion and find any substance in this regard.

7. As indicated herein above, though the reliefs were couched in a different fashion, the counsel for the petitioner, at the time of the hearing, categorically and unequivocally had submitted that the issue is covered by an earlier judgment rendered by this Court in ***Bindusagar Samantaray*** (*supra*). On the basis of such submission, the writ petition was disposed of and it can be logically deduced from the above sequel of facts that the operative portion of the



judgment passed in *Bindusagar Samantaray (supra)* is infused into the writ petition filed by the petitioner and becomes an integral part thereof.

8. The contempt jurisdiction cannot be stretched too far to weed out the real issue and to ascertain the actual and explicit intention of the litigant who approached the Court. The petitioner might have challenged the order of appointment but the moment it is disposed of on the basis of the judgment rendered in an earlier case, as adverted to herein above, the authorities cannot be saddled with any responsibility of doing a thing in accordance with the operative portion of the said judgment. If the language in the judgment and order is simple, clear, explicit and does not involve any ambiguity in it, merely the petitioner perceived the same to be something ingrained into it, does not expose the authorities to be punished under the Contempt of Courts Act.

9. It is no gain saying that if the order is capable of being interpreted more than one way, if one is adopted by the authority, even if the Court feels that the other interpretation would be more reasonable, it does not *ipso facto* render the decision of the authority and shall not attract the Contempt of Courts Act. Therefore, the



Court should not punish the contemnors for alleged violation. Such being the stand appears from the record and undisputed fact that the petitioner has already been appointed on compassionate ground and such service has further been regularized, merely because the appointment is in a particular category and not in the category which the petitioner feels ought to be on the basis of the educational qualification, does not tantamount to a contemptuous act warranting the Court to invoke such power.

10. We are conscious of the limited jurisdiction of the Court exercised under the Contempt of Courts Act which is not only restricted to the punishment of the person who violates the order and undermines the sanctity and the majesty of the Court but also to see that the order is duly implemented. The words or the expressions used in the operative portion of the order conveys clear intention, which we also gathered from bare reading thereof. The compassionate appointment must be guided and/or regulated by the Rules in vogue at the time of the death of the employee while in service. We do not think that the contention of the petitioner that the said judgment has to be read in such perspective that it directed the authorities to revisit and/or reconsider the appointment made under



the Rehabilitation Assistance Scheme and appoint the person in commensurate with the educational qualification which she possesses.

11. In view of the above, the contempt is dropped.

(Harish Tandon)
Chief Justice

(M.S. Raman)
Judge

S. Behera