



**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**W.A. No.1779 of 2025**

**Sushanta Kumar Dwibedy and** ..... **Appellants**  
**another**

Mr. M.K. Khuntia, Advocate

-Versus-

**State of Odisha and others** ..... **Respondents**

Mr. J.K. Khandayatray, ASC  
Mr. A.K. Mohanty, Sr. Advocate  
assisted by Ms. L. Pradhan, Advocate (R/5) and  
Mr. Rajib Rath, Advocate for Caveator (R/7)

**CORAM:**

**JUSTICE DIXIT KRISHNA SHRIPAD**  
**JUSTICE CHITTARANJAN DASH**

**ORDER**  
**13.01.2026**

**Order No.**  
**02.**

**W.A. No.1779 of 2025 and I.A. No.4345 of 2025**

Heard learned counsel appearing for the Appellants and representing the Caveators and perused the appeal papers. Matter requires a deeper consideration and therefore, the position held by the Appellants herein needs to be protected without interdicting the filling up of 40 available vacancies in a normative way.

2. Learned counsel appearing for the Appellants notified to us an ad interim order dated 20.11.2025 made by a Co-ordinate Bench of this Court in a pending case in W.A. No.2395 of 2024. They assert that the fact matrix of the said Writ Appeal nearly matches that of the appeal at our hands and therefore, protection of the kind granted in the cognate Writ Appeal needs to be



extended to the Appellants herein. Even this aspect also needs to be examined and therefore, W.A. No.2395 of 2024 can also be taken up on the day, when we hear the appeal at hand.

We are told at the Bar that the Appellants herein were promoted w.e.f. 19.01.2019 and therefore, pending adjudication of the appeal, their position has to be protected. There is force in this submission.

In the above circumstances, we make the following order:

Issue emergent notice. Learned ASC, on request, accepts notice for Respondent Nos.1 & 2, while learned Senior Counsel-Mr. Mohanty accepts notice for Respondent No.5 and Mr. Rath for Respondent No.7. Required number of copies of the writ appeal along with all documents be served on them within three working days.

Notice be sent to the private Respondents, who have not entered caveat, by speed post with A.D., returnable within four weeks, requisites for which shall be filed within three working days.

In the meanwhile, the impugned judgment is hereby stayed subject to the condition that such stay shall not come in the way of the 40 existing vacancies being filled up in a normative way subject to outcome of the appeal.

We also make it clear that we are not interdicting any review DPC, as directed in the impugned judgment, provided that the apple carts of the Appellants are not disturbed.



Accordingly, I.A. is disposed off.

Call this matter along with W.A. No.2395 of 2024 after service of notice.

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

**( Dixit Krishna Shripad )**  
**Judge**

**( Chittaranjan Dash )**  
**Judge**

*Anisha*