



IN THE HIGH COURT OF ORISSA AT CUTTACK
WP(C) No.33226 of 2025

Prakash Chandra Singh

.....

Petitioner

Ms. U.R. Panda, Advocate

-versus-

State of Odisha & Ors.

.....

Opposite Parties

Mr. C.K. Pradhan, AGA

CORAM:

THE HON'BLE MR. JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

24.03.2026

Order No.08

1. This matter is taken up through hybrid mode.
2. Pursuant to order dtd.27.02.2026, learned Addl. Govt. Advocate produced the report submitted by the Superintendent, SCB Medical College & Hospital, Cuttack vide his letter dtd.23.02.2026 in Court. The same be kept in record.
3. Heard Ms. U.R. Panda, learned counsel appearing for the Petitioner and Mr. C.K. Pradhan, learned Addl. Govt. Advocate appearing for the Opp. Parties.
4. The present writ petition has been filed inter alia with the following prayer:-

“It is therefore humbly prayed, before this Hon'ble Court to be pleased to admit the Writ Petition, and issue Rule NISI in the nature of Writ of Mandamus or a writ in the nature of Mandamus or any Writ or Writs calling upon the opp. parties to show cause and after hearing the parties, issue a direction to the O.P. No.4 i.e; Special Commissioner of CT&GST(SMG) to allot the appointment letter in pursuance to the recruitment merit list vide Annexure- 2 & 3.



And/or to pass such other order (s) as this Hon'ble Court may deem just and proper in the interest of fair justice.

And for this Act of kindness, the petitioner as in duty bound shall ever pray."

5. It is contended that basing on the advertisement issued under Annexure-1, Petitioner though was duly recommended for his appointment for the post in question vide notification dtd.11.06.2025 under Annexure-2 series and Petitioner was allotted to the office of Commissioner, CT & GST, with reflection of his name in the communication issued by the Commissioner on 19.07.2025 under Annexure-3 series with his position at Sl. No. 61, but persons placed at Sl. No. 1 to 60 were provided with the appointment in the Nijukti Mela held by the Govt. and Petitioner was excluded from being provided with such appointment.

6. Basing on the stand taken in the writ petition, this Court vide order dtd.29.11.2025, when directed learned Addl. Govt. Advocate to obtain instruction as to why on the face of the selection of the Petitioner, he has been deprived to get the benefit of appointment, learned Addl. Govt. Advocate basing on the instruction when contended that Petitioner since was recommended by the Commission as a candidate belonging to special category, Petitioner was referred for fresh verification of his disability after being found eligible to get the benefit. In the said verification when it was found that Petitioner's disability is at 1% temporary, Petitioner was not provided with the appointment, when persons placed from Sl No.1 to 60 were provided with such appointment. Accordingly, following order was passed by this Court on 16.01.2026:-

"2. Heard learned counsel appearing for the Parties.



3. Pursuant to order dtd.29.11.2025, learned Addl. Govt. Advocate produced the instruction so provided by the Department with service of copy on the learned counsel appearing for the Petitioner. The same be kept in record.

4. Basing on the instruction, it is contended that even though Petitioner's name was recommended by the Commission vide notification dtd.11.06.2025, but Petitioner since belongs to Special Category and on being referred for verification of his disability, it was found that the Petitioner does not have the required disability and the same was found at 1% temporary, Petitioner was not provided with the appointment.

5. Learned counsel appearing for the Petitioner prays for some time to obtain further instruction from the Petitioner.

6. As requested, list this matter on 28th January, 2026.”

6.1. Even though as per the instruction provided by the Department, Petitioner's disability was found at 1% temporary, but while filing an affidavit, Petitioner produced a document from the self-same authority of SCB Medical College & Hospital, Cuttack showing his disability in a different way. This Court accordingly passed the following order on 09.02.2026:-

“2. Heard learned counsel appearing for the Parties.

3. Basing on the order passed by this Court on 16.01.2026, learned counsel appearing for the Petitioner relying on the document filed by way of affidavit under Annexure-5/1 contended that on examination of the Petitioner, the self-same authorities of SCB, Medical College & Hospital, Cuttack has found the disability in a different way, to the report produced by the learned AGA so issued by the Professor and HOD, Department of ENT, SCB, Medical College & Hospital, Cuttack vide letter No.502, dtd.03.09.2025.

4. Considering the report submitted by the learned AGA and the report produced by the Petitioner vide Annexure-5/1, this Court is of the view that Petitioner's disability is required to be measured afresh by the authorities of SCB,



Medical College & Hospital, Cuttack. This Court accordingly permits Petitioner to appear before the

5. Superintendent, SCB, Medical College & Hospital, Cuttack on 18.02.2026. On the said date, Petitioner's disability be assessed again and report be submitted before this Court by 25.02.2026,

5. List this matter on 27th February, 2026.

6. Learned AGA is directed to produce the disability certificate produced by him along with instruction and the disability certificate produced by the Petitioner vide Annexure-5/1, before the Superintendent, SCB, Medical College & Hospital, Cuttack for compliance. Petitioner is directed to appear on the date fixed without fail."

6.2. In terms of the said order, Petitioner was directed to appear before the authorities of SCB Medical College & Hospital, Cuttack on 18.02.2026 for fresh verification of his disability. Today when the matter was taken up, learned Addl. Govt. Advocate relying on the communication issued by the Medical Superintendent, SCB Medical College & Hospital, Cuttack so issued on 23.02.2026, contended that even though in terms of order dtd.09.02.2026, Petitioner appeared before the concerned authority on 18.02.2026, but instead of complying the request of the Department to do some tests, Petitioner absconded and an intimation to that effect was issued by the Professor and HOD, ENT, SCB Medical College & Hospital, Cuttack vide letter dtd.21.02.2026. It is accordingly contended that since Petitioner on his appearance on 18.02.2026 did not complete the required tests in order to assess his disability and absconded, Petitioner is not eligible and entitled to get the benefit, taking into account the disability which has been found at 1% temporary.



7. To the submission made by the learned Addl. Govt. Advocate, learned counsel appearing for the Petitioner contended that for the purpose of examination of the Petitioner on 18.02.2026, when the Department of ENT constituted a Board, an objection was made with regard to inclusion of the HOD of the Department, but without taking note of such objection, when the examination was taken up on 18.02.2026, Petitioner did not participate in such testing. It is accordingly contended that no illegality or irregularity can be found with the action of the Petitioner in not taking the test on 18.02.2026.

8. Having heard learned counsel appearing for the Parties and considering the submission made, this Court finds that Petitioner though pursuant to the advertisement issued under Annexure-1, was finally selected and his name was reflected at Sl. No. 61 of the communication dtd.19.07.2025 of Opp. Party No. 2 under Annexure-3 series and he was not provided with the appointment, even though persons placed at Sl. No. 1 to 60 got the said benefit, this Court directed the learned State Counsel to obtain instruction on the issue.

8.1. Pursuant to such order and on instruction, it was contended that Petitioner since participated in the selection process as a candidate belonging to Special Category, after he was found eligible to get the benefit of appointment, he was referred for fresh verification of his disability. When his disability was found at 1% temporary, Petitioner was not provided with the appointment, as the minimum requirement to get the benefit of appointment is 40% permanent.

8.2. Subsequently, when an affidavit was filed by the Petitioner indicating therein that the self-same medical board who found the disability at 1% temporary, have found the disability of the



Petitioner with a different percentage level, this Court directed the Petitioner to appear before the authorities of SCB Medical College & Hospital, Cuttack on 18.02.2026 for fresh verification of his disability.

8.3. Even though in terms of the said order Petitioner appeared before the authorities of SCB Medical College & Hospital, Cuttack on 18.02.2026, but as found from the letters issued by the Medical Superintendent in his letter dtd.23.02.206, Petitioner absconded from the place of test and did not complete all the tests so required to assess his disability. Such a communication was issued by the Medical Superintendent basing on the letter issued by the Professor and HOD, ENT, SCB Medical College & Hospital, Cuttack on 21.02.2026. Contents of letter dtd.21.02.2026 and 23.02.2026 reads as follows:-

“21.02.2026

To,

The Superintendent,

SCB Medical College and Hospital, Cuttack.

Subject: Assessment of disability of Sri Prakash Chandra Singh, in pursuance of order No. 06, Dt. 09.02.2026 of the Hon'ble High court of Odisha in WP(c) No. 33226 of 2025

Ref: 1- your office memo No.5663/Dt 19.02.26

2- Your office memo No. 5327/17.2.26

Sir

Sri Prakash Chandra Singh appeared for the Hearing Evaluation on 18.02.2026 in the ENT department of SCB Medical College. But he did not complete the tests and went absconding.

This is for your kind information and necessary actions.



xxx

xxx

xxx

23.02.2026

To

The Advocate General,
Odisha, Cuttack.

Sub:- WP (C) No-33226 of 2025.

Ref:- Order No-06 dt.09.02.2025 of Hon'ble High Court of
Orissa, Cuttack.

Sir,

With reference to the letter on the subject cited above, it is to state that, the Hon'ble High Court of Orissa, Cuttack vide Order No-6 dt.09.02.2026 has directed to re-assess the disability of the petitioner and also direct the petitioner to appear before this institution on dt. 18.02.2026 for his disability verification. However, the said order along with enclosers ie. "Annexure-5/1" communicate to the HOD, ENT of this hospital for re-assessed the disability of the petitioner

Accordingly, the petitioner has appeared before the Medical Board in the dept. of ENT, SCB MCH, Cuttack for his hearing disability evaluation on dt. 18.02.2026. The concerned dept. is advised to do some test in the dept. of ENT, SCB MCH, Cuttack. But he did not complete the tests and went absconding as intimated by Prof. & HOD, ENT, SCB MCH, Cuttack vide her dept. Letter No-119 dt.21.02.2026. A copy of the said letter in original is enclosed herewith as "Annexure-A" for your information and kind appraisal of the Hon'ble Court."

8.4. This Court taking into account the conduct of the Petitioner in not taking the test on 18.02.2026 and absconding from the Hospital, is of the view that Petitioner is not eligible and entitled to get the benefit of appointment, in view of his disability having been found at 1% temporary, whereas the minimum requirement to get the



benefit is 40% permanent. In that view of the matter, this Court is not inclined to issue any direction to the Opp. Parties to provide appointment to the Petitioner and accordingly dismiss the writ petition.

(BIRAJA PRASANNA SATAPATHY)

Judge

Sneha