

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

I.A. NOS.13 & 14 IN CIVIL APPEAL NO(s). 6225 OF 2010

TOFAN KUMAR PRADHAN

Appellant (s)

VERSUS

STATE OF ORISSA & ORS.

Respondent(s)

(With appln(s) for directions,intervention,stay
WITH Civil Appeal NO. 6226 of 2010
(With prayer for interim relief and office report)

Date: 01/04/2011 These Applications were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J.M. PANCHAL
HON'BLE MR. JUSTICE H.L. GOKHALE

For Appellant(s) : Mr Chandra Sekhar Panda, Adv
Mr. S. Ramamani, Adv.
Mr S.C. Kaushik, Adv.
Mr. R.S Jena, Adv.

For Respondent(s) : Mr. Sibosakar Mishra, Adv

UPON hearing counsel the Court made the following
O R D E R

Taken on board.
Heard learned counsel for the petitioner.
In I.A. No.13 of 2011, the prayer is made to
initiate contempt of court proceedings against
respondent No.1 for not implementing the directions
and order dated 21.03.2002 and 25.04.2005
respectively given in the case of All India Judges
Association & Ors. Versus Union of India & Ors.
(2002) 4 SCC 247 as the respondent No.1 has framed

..2/-

: 2 :

Orissa Superior Judicial Service and Orissa
Judicial Service Rules, 2007 prescribing 40% cut
off marks for viva voce test. It is an admitted
position that the petitioner who had appeared in
2008 examination was not subjected to prescription
of 40% cut off marks in viva voce test. The
academic question whether prescription of cut off
marks for viva voce test for examinations held in
other years is just or not cannot be examined in an
Interlocutory Application. Hence this application
is rejected.

In I.A. No.14 of 2011, the prayer is to direct the
respondent Nos.1 and 2 to appoint the appellant to
the post of District Judge subject to the outcome
of Civil Appeal No.6225 of 2010 on provisional
basis till such time as the said appeal is posted
for final disposal. The appellant has lost his
case before the High Court. Grant of such a relief
would amount to allowing the appeal without
adjudicating the rival claims raised therein. Such

a relief is not warranted in the facts of the case.
Hence this application is also rejected.

(Geeta Ahuja)
Sr P.A.

(Sneh Bala Mehra)
Court Master