

ITEM NO.17

COURT NO.14

SECTION XI-A

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

PETITION FOR SPECIAL LEAVE TO APPEAL (C) NO.12936/2026

[Arising out of impugned final judgment and order dated 28-01-2026 in WA No. 400/2025 passed by the High Court of Orissa at Cuttack]

MAHANADI COALFIELDS LTD. & ORS.

Petitioner(s)

VERSUS

MANOJ RANJAN KHUNTIA & ORS.  
FOR ADMISSION

Respondent(s)

WITH

SLP(C) No. 12664/2026 (XI-A)  
FOR ADMISSION

SLP(C) No. 12745/2026 (XI-A)  
FOR ADMISSION

SLP(C) No. 12611/2026 (XI-A)  
FOR ADMISSION

SLP(C) No. 13075/2026 (XI-A)  
FOR ADMISSION

SLP(C) No. 12599/2026 (XI-A)  
FOR ADMISSION

SLP(C) No. 12719/2026 (XI-A)  
FOR ADMISSION

SLP(C) No. 13045/2026 (XI-A)  
FOR ADMISSION

SLP(C) No. 12934/2026 (XI-A)  
FOR ADMISSION

Date : 17-04-2026 These petitions were called on for hearing today.

**CORAM :**

**HON'BLE MR. JUSTICE MANOJ MISRA  
HON'BLE MR. JUSTICE MANMOHAN**

**For Petitioner(s) :Mr. K.M. Nataraj, A.S.G.  
Mr. Soumyajit Pani, Adv.  
Mr. Siddharth Jain, AOR  
Mr. Aishwary Bajpai, Adv.  
Mr. Varun, Adv.**

**For Respondent(s): Mr. Jayprakash Bansilal Somani, Adv.  
Mr. Manoj Kumar Chowdhary, Adv.  
Mr. Rajnish Kumar, Adv.  
Ms. Shruti Kriti, Adv.  
Ms. Ekta Verma, Adv.  
Mr. Jeevan R. Patil, Adv.  
Ms. Pooja Agarwal, Adv.  
Ms. Shisba Chawla, AOR**

**Ms. Nandita Jha, AOR**

**Mr. B. K. Patra, Adv.  
Mr. Jaydip Pati, AOR  
Mr. Pradeep Chandra Sati, Adv.  
Ms. Anita, Adv.**

**UPON hearing the counsels, the Court made the following**

**O R D E R**

**1. These special leave petitions arise from a common impugned order and, therefore, are being disposed of by a common order.**

**2. Having regard to the nature of the order that we propose to pass, we do not deem it necessary to issue notice to the other respondents.**

3. We have heard Mr. K.M. Natraj, learned Additional Solicitor General; and Mr. Jayprakash Bansilal Somani, Ms. Nandita Jha and Mr. B. K. Patra, for some of the respondents who are on caveat.

4. A recruitment exercise was carried out by providing reservation, inter alia, to Ex-Servicemen. However, instead of providing the said reservation horizontally, it was provided vertically. As certain candidates got excluded from the merit list, they challenged the recruitment exercise before the High Court of Orissa at Cuttack (for short, the High Court) on the ground that they got excluded because reservation for Ex-Servicemen was wrongly applied vertically when it ought to have been applied horizontally.

5. The Writ Court (i.e., the learned Single Judge of the High Court) by its order dated 17.12.2024 accepted the challenge of the writ petitioners and directed as follows:

“26. Based on the aforementioned analysis of both factual and legal aspects, it is hereby directed that the candidature of the petitioners shall be reconsidered in a fresh recruitment exercise.

27. The said process shall be conducted without displacing or jeopardizing the appointments of ex-servicemen who were erroneously appointed by the Opposite Party against these posts. Such appointments of the ex-servicemen shall be regularized by creating supernumerary posts. The petitioners, upon their appointment pursuant to this order, shall

be accorded seniority over those ex-servicemen occupying the supernumerary posts.

28. The entire exercise shall be completed expeditiously and in accordance with rules of recruitment.

29. Accordingly, all the above-mentioned Writ Petitions are allowed.”

6. Aggrieved by the order of the learned Single Judge of the High Court, the petitioners filed Writ Appeal(s) before the Division Bench of the High Court. During the course of the appeal(s), an affidavit dated 25.08.2025 was filed on behalf of the writ appellants (i.e., the petitioners herein) stating, *inter alia*, that they had notionally conducted a thorough exercise of allocation of posts to various categories of candidates afresh ensuring that reservation is applied horizontally, basis which, only three writ petitioners fall in the zone of consideration. Affidavit names those petitioners as Mukesh Ranjan Gouda; Manoj Ranjan Khuntia and Antriksh Jha. Manoj Ranjan Khuntia and Antriksh Jha were in the unreserved category whereas Mukesh Ranjan Gouda fell in the OBC category.

7. The grievance of the petitioners is that the Division Bench of the High Court, though noticed the said affidavit in paragraph 5 of its judgment, without considering whether the writ appeal(s) could be disposed of by appropriately modifying the order of the learned Single Judge based on

the information contained in the affidavit, dismissed the writ appeal(s) and, in paragraph 13 of its judgment, observed as under:

"13. We do not find any incongruity, infirmity and/or illegality in the ultimate direction passed by the Single Bench taking a holistic approach in passing a direction keeping in mind that those Ex-Servicemen candidates who have already been appointed should not be thrown out of such appointment. Apart from the above, the unfilled vacancies are more than the writ petitioners who have timely approached the Court flagging an issue and, therefore, the appellants would take the above aspects into account and will undertake the exercise as directed by the Single Bench."

(Emphasis supplied)

8. The submission on behalf of the learned counsel for the petitioners is that the direction to fill all vacancies is uncalled for, inter alia, because (a) there was no cross-appeal, (b) an employer cannot be required to fill all vacancies, and (c) many candidates were below the requisite cut off. It is also submitted that the affidavit filed by the petitioners during the proceedings before the Division had explained all aspects of the matter.

9. On behalf of represented respondents, it was submitted that as there is no dispute regarding the aforesaid three writ petitioners being above the cut off, there is no justification to withhold their appointment pursuant to the

direction given by the Writ Court as affirmed by the Division Bench. They have, accordingly, submitted that the petitioners may be directed to comply with the directions in so far as those three writ petitioners are concerned. As regards the direction to consider appointment against all vacancies, it was submitted that no interference is required with such a direction more so when recruitment notice specified those vacant posts.

10. Upon consideration of the submissions, what is clear is that the petitioners herein have accepted their mistake of applying reservation vertically when it ought to have been applied horizontally for Ex-Servicemen category. In that light, it appears, affidavit dated 25.08.2025 was filed. In our view, the Writ Appellate Court ought to have accorded due consideration to the affidavit dated 25.08.2025 presented by the writ appellants (the petitioners herein) to assess whether the order of the learned Single Judge directing fresh recruitment exercise and creation of supernumerary posts could be appropriately modified. Further, the High Court ought to have considered whether the direction to consider appointment(s) against all unfilled vacancies was warranted at all in the facts of the case more so in absence of any cross appeal by the writ

petitioners. In such circumstances, we are of the view that ends of justice would be served if we dispose of these petitions with liberty to the petitioners (i.e., writ appellants before the High Court) to file a review before the High Court so that due consideration is accorded to the affidavit dated 25.08.2025.

11. Accordingly, we deem it appropriate to dispose of these petitions by giving liberty to the writ appellants (i.e., petitioners herein) to file a Review Petition before the Division Bench. For a period of three weeks from today, the operation of the order passed by the Division Bench shall remain stayed. If the Review Petition is filed within the aforesaid period, the High Court shall deal with the same in accordance with law and it may, if it deems appropriate, extend the interim order granted above till disposal of the Review Petition. We make it clear that we have not expressed any opinion on the merits of the contents of the affidavit dated 25.08.2025. We also clarify that after decision on the review, if the petitioners herein are aggrieved by the order, they would be at liberty to challenge the order passed in the review as well as the present impugned order.

12. With the aforesaid observations/ liberty/ directions,

the special leave petitions stand disposed of.

13. Pending application(s), if any, shall also stand disposed of.

(KAVITA PAHUJA)  
ASTT. REGISTRAR-cum-PS

(SAPNA BANSAL)  
COURT MASTER (NSH)