

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

Petition(s) for Special Leave to Appeal (Civil) No(s).18107/2011  
(From the judgement and order dated 05/01/2011 in WP No.20969/2010 of The  
HIGH COURT OF ORISSA AT CUTTACK)

STATE OF ORISSA

Petitioner(s)

VERSUS

SASMITA PATTNAIK

Respondent(s)

(With appln(s) for permission to place addl. documents on  
record,impleadment,impleadment as party respondent and office report for  
directions)

WITH SLP(C) NO. 18110 of 2011  
(With office report)

SLP(C) NO. 18111 of 2011  
(With office report)

SLP(C) NO. 18112 of 2011  
(With appln. for impleadment as party respondent and office report)

SLP(C) NO. 18113 of 2011  
(With office report)

SLP(C) NO. 18114 of 2011  
(With appln. for directions and permission to place addl. documents on  
record and impleadment as party respondent and office report)

SLP(C) NO. 18115 of 2011  
(With appln. for intervention and office report)

SLP(C) NO. 18117 of 2011  
(With appln. for directions, intervention and impleadment as party  
respondent and office report)

SLP(C) NO. 18865 of 2011  
(With office report)

SLP(C) NO. 18866 of 2011  
(With office report)

Date: 10/12/2012 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE T.S. THAKUR

HON'BLE MR. JUSTICE FAKKIR MOHAMED IBRAHIM KALIFULLA

Counsel for the appearing parties :

Mr. Radha Shyam Jena,Adv.

Mr. Upamanyu Hazarika,Sr.Adv.  
Mr. Merusagar Samantray,Adv.  
Mr. Paul R Paske,Adv.

Mr. Merusagar Samantaray,Adv.

Mrs. Kirti Renu Mishra ,Adv  
Ms. Apurva Upmanyu,Adv.

Mr. Bharat Sangal, Adv.  
Ms. Srijaha Lama,Adv.  
Ms. Ramanadeep Kaur,Adv.

Mr. P.V. Yogeswaran,Adv.

Mr. Shuvodeep Roy,Adv.

Mr. Merusagar Samantaray,Adv.

Ms. Neha S Verma,Adv.  
Mr. Deeptakirti Verma,Adv.

Mr. Arvind Gupta,Adv.  
Mr. Harish Pandey,Adv.

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

The only question that falls for consideration in this bunch of special leave petitions is whether the Tribunal was justified in directing filling up of vacancies that have occurred between the date of the publication of the advertisement notice and the expiry of panel of selected candidates. It is not in dispute that the recruitment was intended to fill up only 300 available vacancies in the cadre of Junior Assistant. It is also not in dispute that the Orissa Public Service Commission has drawn up a list of 671 candidates considered fit and eligible for appointment on the basis of their inter se merit. This list was published on 24.4.1997.

Mr. Radha Shyam Jena, learned counsel for the petitioner - State submits that the validity of the list was extended by the State Government upto 31.7.2003 whereafter the list prepared by the Orissa Public Service Commission was supposed to lapse. The High Court has directed that vacancies that have occurred in the meanwhile should be filled up from out of the list of 671 prepared by the Orissa Public Service Commission. What is the purport of the term "meanwhile" is however not clear from the Judgment.

Be that as it may, when we asked Mr. Jena about the total number of vacancies that became available between the date of publication of the advertisement notice and the last date of validity of the select list, he was unable to make a definite statement. He sought time to take instructions and file an affidavit in that regard.

We, accordingly, direct Mr. Jena to file a specific affidavit indicating the following:

1. the number of vacancies originally advertised. A copy of the advertisement notice be produced;
2. the number of candidates selected by the Orissa Public Service Commission. A copy of the select list be also be produced;
3. Government Orders by which the validity of the select list was extended from time to time; and
4. the number of vacancies that became available after the publication of the advertisement notice and the date on which the life of the panel prepared by the Orissa Public Service Commission expired.

Mr. Jena may also take instructions whether the State Government would have any objection to the additional vacancies being filled up from out of the select panel and whether Government would have any objection to the selected candidates being appointed by reference to their age as on the date the validity of the list expired.

Mr. Jena may also state on affidavit whether any selection

process was initiated subsequent to the expiry of the list and if so file a copy of the advertisement notice and the result of that selection.

Needful shall be done within four weeks.

Post these petitions on 28.1.2013.

| (N.K. Goel)  
| Court Master

| | (Sneh Lata Sharma)  
| | Court Master

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