

ITEM NO.14

COURT NO.6

SECTION XI-A

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

SPECIAL LEAVE PETITION (CIVIL) Diary No(s). 10181/2024

(Arising out of impugned final judgment and order dated 03-11-2023 in WA No.1394/2023 passed by the High Court Of Orissa At Cuttack)

THE STATE OF ODISHA & ORS.

Petitioner(s)

VERSUS

BINAPANI PADHY

Respondent(s)

(IA No.100325/2024-CONDONATION OF DELAY IN FILING and IA No.100328/2024-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.100327/2024-CONDONATION OF DELAY IN REFILING / CURING THE DEFECTS)

WITH

Diary No(s). 9859/2024 (XI-A)

(IA No.100187/2024-CONDONATION OF DELAY IN FILING and IA No.100190/2024-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.100189/2024-CONDONATION OF DELAY IN REFILING / CURING THE DEFECTS)

Diary No(s). 10191/2024 (XI-A)

(IA No.100413/2024-CONDONATION OF DELAY IN FILING and IA No.100415/2024-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.100414/2024-CONDONATION OF DELAY IN REFILING / CURING THE DEFECTS)

Diary No(s). 10153/2024 (XI-A)

(IA No.101577/2024-CONDONATION OF DELAY IN FILING and IA No.101579/2024-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.101581/2024-CONDONATION OF DELAY IN REFILING / CURING THE DEFECTS)

Date : 03-05-2024 These petitions were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE HRISHIKESH ROY
HON'BLE MR. JUSTICE PRASHANT KUMAR MISHRA

For Petitioner(s) Mr. Subhasish Mohanty, AOR

For Respondent(s)

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

Delay condoned.

2. Heard Mr. Subhasish Mohanty, learned counsel appearing for the State of Odisha.
3. The counsel submits that the direction by the learned Single judge for regularization of service of the respondents are wholly unmerited

inasmuch as the respondents were appointed as a *Teacher Educator* in DIET and this was contractual appointment co-terminus with the *Centrally Sponsored Scheme of Restructuring and Reorganization of Teacher Education or up to February, 2013* whichever is earlier. The counsel would then refer to Rule 3 of *Odisha Group-B Posts (Contractual Appointment) Rules, 2013* to contend that the benefit of regularisation is inapplicable for the above category of employees appointed under Centrally Sponsored Planned Scheme.

4. Although the above plea was specifically raised before the learned Single Judge, overlooking the same relief was granted for the respondents whose regularization according to Mr. Mohanty is unmerited on account of the nature of their contractual appointment, under the Centrally Sponsored Planned Scheme.

5. When the above was challenged by the State in the writ appeal, the Division Bench on the ground of delayed filing of the writ appeal, dismissed the said challenge under the impugned order dated 03.11.2023.

6. Issue notice, returnable in four weeks.

(DEEPAK JOSHI)
ASTT. REGISTRAR-cum-PS

(KAMLESH RAWAT)
ASSISTANT REGISTRAR