

ITEM NO.21

COURT NO.7

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).11337/2024

(Arising out of impugned judgment and order dated 19-10-2023 in WA No.1069/2023 passed by the High Court Of Orissa At Cuttack)

THE STATE OF ODISHA & ORS.

Petitioner(s)

VERSUS

AYESHA TANWIR & ANR.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.73973/2024-CONDONATION OF DELAY IN FILING and IA No.73974/2024-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date : 05-04-2024 This petition was called on for hearing today.

CORAM :

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

For Petitioner(s) Mr. Umakant Mishra, Adv.
Mr. Niranjana Sahu, AOR

For Respondent(s)

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

Delay condoned.

2. Heard Mr. Umakant Mishra, learned counsel appearing for the petitioners.

3. The counsel would refer to the petitioners' appointment orders dated 14.02.2013 to point out that they were engaged on contractual basis in DIETs (District Institute for Education and Training), under the National Policy of Education.

4. Per contra the counsel refers to the Office Order dated 25.04.2013 (Annexure P-4) granting direct appointment to Teachers

educators on regular basis. The argument of Mr. Mishra is that the learned Single Judge of the High Court while ordering regularization of the two respondents, mistakenly considered them to be at par with those who were regularized on 18.10.2021. The specific argument of the State Counsel is that the source of the recruitment of the respondents and those who were regularized was entirely different.

5. However, the Division Bench did not consider the merit of the state's challenge and rejected the State's writ appeal only on the ground of delay, by placing reliance on *State of Odisha and Ors. vs. Surama Manjari Das (SLP(C) No.6879/2023)*. The counsel argues that the Division Bench should have considered the merit of the State's challenge.

6. The additional contention of the counsel is that the respondents did not have any right to continue their contractual service but continued on the strength of the interim order passed by the Court in an earlier writ petition and this information was not disclosed.

7. Issue notice, returnable in four weeks.

(DEEPAK JOSHI)
COURT MASTER (SH)

(KAMLESH RAWAT)
ASSISTANT REGISTRAR