



IN THE HIGH COURT OF ORISSA AT CUTTACK
W.A. No.766 OF 2022

1. *State of Odisha, represented
by Principal Secreatry GA(Vig.)
Department, Odisha, Bhubaneswar*
2. *Director-cum-Addl. DG of Police,
Vigilance, Odisha, Cuttack*
3. *A.I.G of Police, (Vigilance),
Odisha, Cuttack*

..... *Appellants*

-Versus-

Santosh Kumar Mohanty

..... *Respondent*

Advocates appeared:

For Appellants : Mr. Manmaya Kumar Dash,
Additional Standing Counsel

For Respondent : Mr. Atul Tripathy, Advocate

CORAM:

**MR. JUSTICE K.R. MOHAPATRA
& MR. JUSTICE SANJAY KUMAR MISHRA**

Heard and disposed of on 30.06.2026

JUDGMENT

By the Bench;

1. This matter is taken up through hybrid mode.
2. This Intra-Court Appeal has been filed assailing the order dated 22nd September, 2021 (Annexure-3) passed by this Court in W.P.(C) No.20633 of 2021.



3. The Respondent had filed the writ petition with a prayer to regularize his service as Junior Stenographer in terms of G.A. Department Resolution dated 17th September, 2013.

3.1. The learned Single Judge took up the matter on 22nd September, 2021 when, learned State Counsel agreed that the issue involved in the writ petition was analogous to one involved in W.P.(C) No.19951 of 2020, disposed of on 9th September, 2021 (*Patitapaban Dutta Dash and others-v-State of Odisha and others*).

3.2. Mr. Dash, learned Additional Standing Counsel submits that the ratio in the case of *Patitapaban Dutta Dash*(supra) is not applicable to the instant case. In the said case, the Petitioner namely, *Patitapaban Dutta Dash* was a Data Entry Operator and in the instant case, the Respondent is a Junior Stenographer. Although a prayer in *Patitapaban Dutta Dash*(supra) and in the writ petition filed by the Respondent was identical i.e. for regularization in service, but, the ratio in *Patitapaban Dutta Dash*(supra) is not applicable to the instant case. He, further, submits that the initial appointment of the Respondent was illegal as the provisions under the Orissa Reservation of Vacancies in Posts and Services (for Scheduled Castes and Scheduled Tribes) Act, 1975 (for brevity, 'the ORV Act') were not followed at the time of initial appointment of the Respondent. He, therefore, submits that the Respondent cannot claim equity with that of *Patitapaban Dutta Dash* (supra) for



regularization of service. Further, the G.A. Department Resolution dated 17th September, 2013 was not in force when the Respondent got appointment as Junior Stenographer in the G.A. Vigilance Department. The Respondent was appointed as Junior Stenographer in the G.A. Vigilance Department on 25th August, 2012 on contractual basis. He, therefore, submits that the impugned order is not sustainable in the eye of law and is liable to be set aside.

3.3. Mr. Tripathy, learned counsel for the Respondent, vehemently objects to such submission and contends that the impugned order dated 22nd September, 2021 (Annexure-3) passed by the learned Single Judge is on agreement. As such, the present writ appeal is not maintainable. He, further, submits that learned State Counsel appearing in the writ petition conceded that the ratio in the case of ***Patitapaban Dutta Dash***(supra) is squarely applicable to the instant case. Now, the learned State Counsel is estopped to take a different stand in the present writ appeal. He, further, submits that the appointment of the Respondent as Junior Stenographer in the G.A. Vigilance Department is not in question either in the writ petition or in the writ appeal. Thus, the plea taken by Mr. Dash, learned Additional Standing Counsel with regard to adherence of the ORV Act is not sustainable. He, further, submits that the G.A. Department Resolution dated 17th September, 2013 has a prospective effect. Thus, the said Resolution is squarely applicable to the case of the Respondent for regularization in service. He, therefore,



submits that the writ appeal does not merit consideration and is liable to be dismissed with cost.

4. Taking note of the submissions made by learned counsel for the parties, this Court finds that the Respondent was appointed as Junior Stenographer on 25th August, 2012 following a selection process in the G.A. Vigilance Department on contractual basis for a period of one year, which was extended from time to time and the Respondent is still continuing in service.

5. On perusal of the impugned order under Annexure-3, it reveals that it was agreed by learned counsel for the parties before the learned Single Judge that the issue involved in the writ petition was analogous to one involved in ***Patitapaban Dutta Dash*** (supra). Thus, the State-Appellant is estopped to take a different stand in the writ appeal. It further, appears that the initial appointment of the Respondent is not in question either in the writ petition or in the present writ appeal. Thus, question of applicability of the ORV Act at the time of appointment of the Respondent does not arise to be considered in this writ appeal.

5.1. It is further brought to our notice that the judgment passed in ***Patitapaban Dutta Dash***(supra) was challenged by the State Government in W.A. No.777 of 2021 and was confirmed by this Court. Assailing the same, the State Government preferred SLP(C) No.17482 of 2023, which was



disposed of without interfering with the order passed by this Court in the writ appeal.

6. In view of the above, we find no merit in the writ appeal. Accordingly, the writ appeal, being devoid of any merit, stands dismissed.

7. It is expected that the Appellants would regularise the service of the Respondent and grant all consequential as well as financial benefits in accordance with law in terms of the direction made in the impugned order at the earliest.

Urgent certified copy of this judgment be granted on proper application.

(K.R. Mohapatra)
Judge

(S.K. Mishra)
Judge

*Orissa High Court, Cuttack,
Dated 30th June, 2026/Kanhu*

Signature Not Verified

Digitally Signed
Signed by: KANHU BEHERA
Designation: Junior Stenographer
Reason: Authentication
Location: High Court of Orissa, Cuttack.
Date: 02-Jul-2026 10:57:49

