



IN THE HIGH COURT OF ORISSA AT CUTTACK

**WP(C) No. 16050 of 2025
CNR No. ODHC010406972025**

Jayakrushna Barik

.....

Petitioner

Mr. B. Routray, Sr. Advocate
along with
Mr. J. Biswal, Advocate

-versus-

State of Odisha & Ors.

.....

Opposite Parties

Mr. A. Tripathy, AGA
Mr. S. Swain, Sr. Advocate
A long with
Mr. D.J. Nayak, Advocate

CORAM:

THE HON'BLE MR. JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

03.09.2026

Order No.10

1. This matter is taken up through hybrid mode.
2. Pursuant to order dtd.20.08.2026, learned Sr. Counsel appearing for the Commission produced the result sheet of the Petitioner in a sealed cover as well as an additional affidavit. The same be kept in record.
3. This Court after opening the same in presence of the learned counsel appearing for the Parties, found that Petitioner has secured 99.05 mark. From the result sheet it is also found that cut-off mark in respect of UR Category in Works Department was 91.05 mark. Therefore, it is the view of this Court that Petitioner has qualified the main written examination having secured 99.05 mark, on the face of the cut-off mark fixed at 91.05 mark in Works Department.
4. Heard learned counsel appearing for the Parties.



5. The present writ petition has been filed inter alia with the following prayer:-

“It is therefore, most humbly prayed that this Hon'ble Court be graciously pleased to:

i) Admit the writ application.

ii) Call for the record.

iii) Issue Rule Nisi calling upon the Opp. Parties more particularly Opp. Party No.2 to show cause as to why the order No. 2440 dtd.12.05.2025 under Annexure-14 shall not be quashed.

iv) If the Opp. parties more particularly Opp. party No.2 fails to show cause or show insufficient cause issue a writ in the nature of certiorari or any other appropriate writ/writs, direction/directions, order/orders by quashing order No. 2440 dtd.12.05.2025 under Annexure-14.

v) Issue a writ in the nature of certiorari or any other writ/writs direction/directions, order/orders by quashing the notification No. 219 dtd.13.05.2025 under Annexure-15 so far as the opp. party no.3 is concerned;

vi) Issue a writ in the nature of mandamus or any other writ/writs direction / directions directing the opposite parties more particularly the opposite party No. 2 to issue the letter of the appointment in favour of the petitioner advertisement pursuant to No.4812 dtd.08.12.2023 keeping in view the marks secured by the petitioner in the main written examination.



vii) And/or pass any other order/orders, direction/directions as this Hon'ble Court deems fit and proper for the ends of justice.

And for the said act of kindness, the petitioners as in duty bound shall ever pray.”

5.1. It is contended that Petitioner initially participated in the selection process pursuant to the advertisement issued by the Commission on 02.11.2022 under Annexure-1. However, because of the initiation of the criminal proceeding with regard to alleged malpractice committed by some of the candidates in the said examination, all the candidates who were involved in such malpractice, were debarred to appear in the examination to be conducted by the Commission for a period of six (6) years vide order dtd.12.05.2025.

5.2. Learned Sr. Counsel appearing for the Petitioner contended that order dtd.12.05.2025 so passed by the Commission, wherein all those candidates who were found involved in the alleged malpractice, were debarred to appear any examination conducted by the Commission from 16.07.2023 to 15.07.2029, was interfered with by this Court in its judgment dtd.20.01.2026 in W.P.(C) No. 14056 of 2025 & batch.

5.3. It is further contended that in terms of the order passed in W.P.(C) No. 14056 of 2025 and batch, Petitioners in the said batch of writ petitions have got the benefit of appointment in the meantime, after being recommended by the Commission vide notification dtd.02.07.2026.

5.4. It is however contended that Petitioner in terms of order dt.12.05.2025 though was deprived to appear in any examination



conducted by the Commission during the period 16.07.2023 to 15.07.2029, because of his alleged involvement in the malpractice pursuant to the advertisement dtd.02.11.2022, but Petitioner prior to such order being passed by the Commission on 12.05.2025 had already participated in a fresh recruitment process in terms of the advertisement issued on 08.12.2023 under Annexure-8. However, result of the said examination was not published, taking into account the nature of order passed by the Commission on 12.05.2025.

5.5. Learned Sr. Counsel appearing for the Petitioner also contended that this Court while issuing notice of the matter vide order dtd.13.06.2025, passed an interim order with a direction to keep one post of Junior Engineer (Civil) vacant. It is accordingly contended that since order dtd.12.05.2025 so passed by the Commission in respect of the candidates who participated in the selection process pursuant to advertisement dtd.02.11.2022 has been interfered with by this Court in its judgment dtd.20.01.2026 in W.P.(C) No. 14056 of 2025 & batch, Petitioner being similarly situated, the impugned order debarring the Petitioner to appear in any examination for the period from 16.07.2023 to 15.07.2029 requires interference of this Court.

5.6. It is further contended that since Petitioner has qualified the main examination in terms of Advertisement dt.08.12.2023, the Commission be directed to recommend his name and Opp. Party No. 1 be directed to provide appointment, taking into account the fact that one (1) post of Jr. Engineer (Civil) has been kept reserved vide the interim order passed on 13.06.2025.



6. Learned counsel appearing for the Commission on the other hand contended that since selection process pursuant to the 2nd advertisement issued on 08.05.2023 has already been completed with recommendation of the names of the eligible candidates, no further recommendation can be made in recommending the name of the Petitioner. It is however not disputed that similar orders passed by the Commission on 12.05.2025 in debarring the candidates including the present Petitioner to appear in any examination conducted by the Commission during the period 16.07.2023 to 15.07.2029, has been interfered with by this Court in its judgment dtd.20.01.2026 in W.P.(C) No. 14056 of 2025 and batch.

7. Having heard learned counsel appearing for the Parties and considering the submission made, this Court finds that Petitioner initially participated in the selection process in terms of the advertisement issued by the Commission on 02.11.2022 under Annexure-1. The fact and which is not disputed, all those candidates including the Petitioner who got involved in the alleged malpractice because of initiation of criminal proceeding, were debarred to appear in any examination conducted by the Commission for the period from 16.07.2023 to 15.07.2029 vide similar nature of orders passed on dtd.12.05.2025.

7.1. It is found that order dtd.12.05.2025 was interfered with by this Court in its judgment dtd.20.01.2026 in W.P.(C) No. 14056 of 2025 & batch. After such interference of this Court with regard to order dtd.12.05.2025, the Commission has recommended the names of the Petitioners in W.P.(C) No. 14056 of 2025 & batch vide notification dtd.02.07.2026 for their appointment. However, it is found that Petitioner's result with regard to his participation in the selection



process pursuant to Advertisement dtd.08.12.2023 was not published, taking into account the nature of order passed by the Commission on 12.05.2025.

7.2. Since it is not disputed that order dtd.12.05.2025 has been interfered with by this Court in its judgment dt.20.01.2026 and it is also found that Petitioner has qualified the selection process in terms of advertisement dtd.08.12.2023, this Court taking into account the interim order passed on 13.06.2025, directs the Commission to recommend the name of the Petitioner, for his appointment as against the post of Junior Engineer (Civil) in the Works Department.

7.3. This Court directs Opp. Party-Commission to recommend the names of the Petitioner within a period of four (4) weeks from the date of receipt of this order. On such recommendation, Opp. Party No. 1 is directed to provide appointment to the Petitioner, taking into account the fact that one (1) post of Jr. Engineer (Civil) was kept reserved by this Court in its order dtd.13.06.2025. This Court directs Opp. Party No. 1 to provide appointment within a period of six (6) weeks from the date of receipt of recommendation from the Commission.

7.4. The result so produced by the learned Sr. Counsel appearing for the Commission in Court be kept in a sealed cover.

8. The writ petition accordingly stands disposed of.

Signature Not Verified

Digitally Signed
Signed by: SNEHANJALI PARIDA
Reason: Authentication
Location: High Court of Orissa, Cuttack
Date: 12-Sep-2026 11:24:47

(BIRAJA PRASANNA SATAPATHY)
Judge