

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**W.A. No.363 of 2021**

**Vice-Chairman, State Council for  
Technical Education & Vocational  
Training, Bhubaneswar and another** .... ***Appellants***

Mr. B. K. Dash, Advocate

*-versus-*

***Manoj Patra and others*** .... ***Respondents***  
Mr. B. S. Tripathy, Advocate for Respondent No.1

**CORAM:  
THE CHIEF JUSTICE  
JUSTICE CHITTARANJAN DASH**

**ORDER  
25.08.2022**

**Order No.**

02.

1. The challenge in the present appeal is to an order dated 23<sup>rd</sup> March, 2021 passed by the learned Single Judge in W.P.(C) No.9437 of 2013 directing the present Appellants to consider the case of the Respondent, who was engaged as an Junior Assistant on contractual basis, for regularization.

2. It must be mentioned at the outset that similar writ appeals filed by these very Appellants against orders passed by the learned Single Judge being W.A. Nos.230, 231, 234 and 235 of 2016 and W.A. No.498 of 2018 were dismissed by this Court by its order dated 6<sup>th</sup> December, 2021. The Special Leave to Appeal (C) No.4893 of 2022 filed by the Appellants before the Supreme Court of India, were dismissed *in limine* by an order dated 17<sup>th</sup> May, 2022. Thus, the order dated 6<sup>th</sup> December, 2021 of this Court was affirmed.

3. The only distinction as far as the present case is concerned is that it involves Data Entry Operators whereas the aforementioned cases, in which the Supreme Court affirmed the order of this Court, pertained to Watchmen. There the Watchmen in question were working for over 10 years; as far as the present case is concerned, the Data Entry Operators have been working continuously for almost 24 years. The only point sought to be urged by Mr. Dash, learned counsel for the Appellants is that in the earlier cases noted above there was no issue of absence of sanctioned posts whereas in the present case there are no sanctioned posts against which the Respondents have been working.

4. The Court is of the view that the Appellants cannot deny the benefit of regularisation to the Respondents after utilizing their services for over 24 years, merely because there are no sanctioned posts. Clearly, there is a need for their services and therefore, the Appellants can ask for the posts against which they can be regularised, to be created. The ratio of the judgment of the Supreme Court in *State of Karnataka v. Umadevi, (2006) 4 SCC 1* would apply to the facts of the present case and, therefore, the case of the Respondents for regularization ought to be considered by the Appellants in accordance with law as directed by the learned Single Judge.

5. Accordingly, the appeal is dismissed.

**(Dr. S. Muralidhar)**  
**Chief Justice**

**(Chittaranjan Dash)**  
**Judge**