

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C)(OAC) No.58 of 2019

Brajendra Kumar Padhi & Ors. Petitioners

-versus-

State of Odisha & Ors. Opposite Parties

**CORAM:
JUSTICE BIRAJA PRASANNA SATAPATHY**

**ORDER
14.11.2022**

Order No

- 03.** 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical) Mode.
2. Heard Mr. S.P. Nath, learned counsel for the Petitioners and Mr. N.N. Satapathy, learned Standing Counsel appearing for the Opp. Parties.
3. The Petitioners are aggrieved by the office order dtd.07.03.2018 issued by the Opp. Party No. 1 under Annexure-13, wherein the service of the Petitioners were regularized as against the vacant post of Junior Clerk in Govt. (Junior) Colleges from the date of issue of the order.
4. Mr. Nath, learned counsel for the Petitioner submitted that the order of regularization passed in favour of the Petitioners prosecuting w.e.f. the date of issue of the order is not just and proper and they should not have been regularized from their initial date of joining.
5. It is also submitted that similar issue has been decided by this Court vide its Judgment dtd.07.10.2021 passed in W.P.(C)(OAC)

No. 1074 of 2017. In the said Judgment this Court in a case of similar nature has directed for regularization of the service of the Petitioner therein from the date of their joining instead of from the date of passing of the order. It is also submitted that the claim made in the present writ Petition is squarely covered by the aforesaid decision of this Court.

6. Mr. Satapathy, learned Standing Counsel while did not dispute the ratio decided by this Court in the aforesaid case, but on the other hand submitted that in view of such decision of this Court, the matter be remitted on the Opp. Party No. 1 to take a fresh decision on the claim of the Petitioner as prayed for.

7. Having heard learned counsel for the Parties and taking into account the ratio decided by this Court in the above mentioned case, this Court while quashing Annexure-13 so far as it relates to the Petitioners, remit the matter to Opp. Party No. 1 to take fresh decision on the claim of the Petitioners in the light of the decision passed by this Court in the above mentioned case. The said exercise shall be completed within a period of three (3) months from the date of receipt of this order.

9. The writ Petition is disposed of with the aforesaid observation and direction.

(Biraja Prasanna Satapathy)
Judge

Sneha