IN THE HIGH COURT OF ORISSA AT CUTTACK

W.A. No.1322 of 2026

CNR No.ODHC010680752026

Nirupama Jena …. ***Appellant***

Mr. S. Mishra Advocate

-Versus-

State of Odisha and others …. ***Respondents***

Mr. S. Rath, AGA

CORAM:
HON' BLE THE CHIEF JUSTICE
AND
HON'BLE MR. JUSTICE CHITTARANJAN DASH

ORDER

Order No. **04.11.2026**

01. **1.** Heard learned counsel for the Parties.

2. By virtue of a composite judgment rendered on 22nd January, 2026, several writ petitions were analogously heard and disposed of by the Single Bench.

3. The respective appeals came to be filed before this Court against the said composite judgment and some of which were argued at length before us and were disposed of by delivering the judgment on 29th October, 2026 by the Division Bench. The Division Bench, upon taking note of the several correspondences and exchange amongst the departments at the administrative level, found that the relevant data were compiled from the Census records, the statistical handbooks, the National Family Health Survey Data, National Sample Surveys and various other prominent publications which outline the demography of the state of Odisha, but, so far as the data pertaining to the representation of the Scheduled Castes and Scheduled Tribes in Government service, more particularly in the

promotional posts is concerned, information was sought from 42 Administrative Departments including the Odisha Legislative Assembly Secretariat and 137 Heads of the Department (including 12 composite Directorates/ Offices). The report so submitted clearly stipulates that more than 93% departments had furnished the full data and 5.59% departments had submitted partial data in respect of the filling up of the posts, which was fairly statistically representative. The inference was drawn therein to the effect that 100% data on representation of ST and SC communities in their earmarked posts had not been captured in the said report because 5.59% of the departments had submitted the partial data. It was further observed that the report would transpire, inter alia, the quantifiable data of different categories and the percentage of representation in the sanctioned post and ultimately, the Division Bench held that the observation of the Single Bench that in absence of any quantifiable data, the decision taken by the respective departments were illegal, was set aside and remitted the matter to the Single Bench to decide the questions as formulated in the said judgment, barring the same which had been decided therein. Since the said judgment is set aside and is no longer surviving, in the event the instant appeal is not allowed, it would invite anomalous situation and a conflicting judgment would operate simultaneously in the field. Since the said composite judgment has been set aside in some of the appeals arising out of the writ petitions which were disposed of, the instant appeal, arising out of one such writ petition, must also receive the same conclusion to avoid any contradiction or inconsistency.

4. The Writ Appeal is thus allowed on the basis of the observations recorded in the said judgment dated 29th October, 2026, rendered in a lead case, being W.A. No.440 of 2026 and the direction

passed therein shall also apply to the instant case as well. The Appeal is thus allowed.

5. Since the judgment impugned in the instant appeal has been set aside, any action taken by the authorities thereupon cannot be rendered legal and therefore, also declared as illegal and the steps would be taken by the authorities to bring back the situation as prevalent on the date of the impugned judgment.

(Harish Tandon)
Chief Justice

(Chittaranjan Dash)
Judge

Bijay/Sarbani

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