IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 26717 of 2022

Dr. Sarat Chandra Mohapatra .... ***Petitioner***

Mr. M.K. Khuntia, Advocate

-versus-

State of Odisha & Ors.

.... ***Opposite Parties***

Mr. A. Tripathy, AGA

CORAM:
JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER
09.04.2026

Order No.

05. **1.** This matter is taken up through Hybrid Arrangement (Virtual/Physical) Mode.

2. Heard learned counsel appearing for the Parties.

3. The present Writ Petition has been filed *inter alia* challenging the order dtd.06.06.2022 so passed by Opposite Party No.1 under Annexure-10. Vide the said order, claim of the Petitioner to get the benefit of seniority over Opposite Party No.5 was rejected.

4. Learned counsel appearing for the Petitioner contended that pursuant to the advertisement issued by the OPSC on 31.12.1992 vide Advertisement No.13/92-93 under Annexure-2, both Petitioner and Opposite Party No.5 participated in the selection process. In the select list published under Annexure-3,

Petitioner was placed at S.L. No.61 and private Opposite Party No.5 was placed at S.L. No.67. However, on the face of such position in the select list issued by the Commission, Petitioner when was appointed as against a ORS Post vide notification dtd.18.10.1996 under Annexure-4, Opposite Party No.5 was appointed as against the post of OAS Grade-A (JB) vide notification issued on 19.06.1996.

4.1. It is contended that Petitioner subsequently while continuing in the ORS Cadre, was promoted to the rank of OAS Group-A(JB) vide Notification dtd.09.05.2007 under Annexure-6. However, since in the merit list published under Annexure-3, Petitioner was placed above the private Opposite Party No.5, claiming seniority over her in the rank of OAS Group -A (JB), Petitioner raised his grievance and thereafter approached this Court by filing W.P.(C) No.41838 of 2021. This Court vide order dtd.21.01.2022, when directed for consideration of the Petitioner's claim, the same was rejected vide the impugned order dtd.06.06.2022 under Annexure-10.

4.2. It is contended that since Petitioner was placed above Opposite Party No.5, in the select list published under Annexure-3, Petitioner is eligible and entitled to get the benefit of seniority over Opposite Party No.5 and the same since has been illegally rejected vide the impugned order, it needs interference of this Court.

5. Mr. A. Tripathy, learned Addl. Government Advocate for the State on the other hand placing reliance on the stand taken in the counter affidavit contended that even though it is not disputed that Petitioner was placed above private Opposite Party No.5 in the select list published by the Commission under Annexure-3, but Opposite Party No.5 was appointed as against the post of OAS Group -A (JB) vide Notification dtd.19.06.1996 and Petitioner was appointed as against a ORS post vide notification dtd.18.10.1996 under Annexure-4.

5.1. Such appointment of Opposite Party No.5 in the rank of OAS Group-A (JB) vide notification dtd.19.06.1996, was never assailed by the Petitioner at any point of time and Petitioner accepted his appointment in the rank of ORS issued vide Notification dtd.18.10.1996 without any objection.

5.2. Not only that Petitioner also accepted the benefit of promotion to the rank of OAS Group-A (JB) so issued vide notification dtd.09.05.2007 under Annexure-6. Only after extension of the benefit of promotion to the rank of OAS Group-A(JB), Petitioner raised a grievance to be placed above Opposite Party No.5, only on the ground that he was placed above Opposite Party No.5 in the merit list published under Annexure-3. However, pursuant to the order passed by this Court in W.P.(C) No.41838 of 2021, claim of the Petitioner was rejected

vide order dtd.06.06.2022 under Annexure-10 after due consideration.

5.3. It is contended that since Petitioner never assailed the appointment of private Opposite Party No.5 so made vide notification dtd.19.06.1996, and only raised the claim after getting the benefit of promotion to the rank of OAS Group-A (JB) vide notification dtd.09.05.2007 under Annexure-6, claim of the Petitioner being a stale claim it has been rightly rejected and requires no interference.

6. Having heard learned counsel appearing for the Parties and considering the submissions made, this Court finds that pursuant to the advertisement issued on 31.12.1992 under Annexure-2, in the select list published under Annexure-3, which is not disputed, Petitioner was at S.L. No. 61 and Opposite Party No.5 at S.L. No.67.

6.1. It is also not disputed that while Petitioner was appointed as against a ORS post vide notification dtd.18.10.1996 under Annexure-4, Opposite Party No.5 got the benefit of appointment as against the post of OAS Group-A (JB) vide notification dtd.19.06.1996. No document is available in the case record, showing any challenge made by the Petitioner at any point of time, challenging the appointment of Opposite Party No.5 as

against the post of OAS Group-A (JB) so issued vide Notification dtd.19.06.1996.

6.2. However, it is found that Petitioner was appointed vide notification dtd.18.10.1996 as against a ORS post and got the benefit of promotion to the rank of OAS Group-A (JB) only vide Notification dtd.09.05.2007.

6.3. Since Petitioner never assailed the appointment of Opposite Party No.5 in the rank of OAS Group-A (JB) so issued on 19.06.1996, and got the benefit of promotion to the rank of OAS Group-A(JB) in the year 2007, vide Notification dtd.09.05.2007, claim of the Petitioner to get the benefit of seniority over Opposite Party No.5 as per the considered view of this Court, has been rightly rejected and this Court is not inclined to interfere with order dtd.06.06.2022 under Annexure-8.

7. Accordingly, the Writ Petition stands dismissed.

(Biraja Prasanna Satapathy)
Judge

Subrat

Signature Not Verified
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Signed by: SUBRAT KUMAR BARIK
Reason: Authentication
Location: HIGH COURT OF ORISSA, CUTTACK
Date: 21-Apr-2026 11:04:09