IN THE HIGH COURT OF ORISSA AT CUTTACK

W.A. No.2632, 2567 and 2633 of 2024

In **W.A. No.2632 of 2024**
CNR No. ODHC010702132024

Sarojini Devi .... ***Appellant***
Mr. L. Mohanty, Advocate

-versus-

State of Odisha and others .... ***Respondents***
Mr. D. Mohanty, A.G.A.

In **W.A. No.2567 of 2024**
CNR No. ODHC010691432024
Biswamohan Mishra **….** ***Appellant***
Mr. L. Mohanty, Advocate

-versus-

State of Odisha & Others **….** ***Respondents***
Mr. D. Mohanty, A.G.A.

In **W.A. No.2633 of 2024**
CNR No. ODHC010702202024
Bijay Kumar Behera **….** ***Appellant***

Mr. L. Mohanty, Advocate

-versus-

State of Odisha & Others **….** ***Respondents***
Mr. D. Mohanty, A.G.A.

CORAM:
SHRI JUSTICE B. P. ROUTRAY
MISS JUSTICE SAVITRI RATHO

ORDER
04.11.2026

Order No.

11. 1. Heard Mr. Mohanty, learned counsel for the Appellants and Mr. D. Mohanty, learned AGA for the Respondents.

2. All the three appeals involved with common issue are heard together and disposed of by this common order.

3. All the three appeals have been directed against the order of the learned Single Judge dated 07.08.2024 passed in W.P.(C) No. 31897, 31895 and 31894 of 2023 respectively.

4. The claim of each appellant is relating to release of his salary for the period from 01.07.2013 to 28.02.2015 on the ground that during said period they discharged the duty as teachers/headmasters.

5. As per the contentions of State-Opposite parties, these appellants after being relieved from the post of CRCC vide order dated 16.04.2013 of the D.I of Schools did not join in their respective posts to discharge their duty as teachers/headmasters. However, upon the direction of learned State Administrative Tribunal, being approached by the appellants, the Petitioners have finally joined in their duties in terms of order dated 16.04.2013 of the D.I of Schools

and discharged their duties respectively as teachers/headmasters. It is the specific stand of State- Opposite Parties in the writ petition that these appellants have not discharged their duty for the disputed period.

6. In order to verify the contentions of the appellants (as writ petitioners), the attendance register was produced before the learned Single Judge and he found that these appellants have not signed in the staff attendance register. Then a stand was taken by present appellants that since they were not allowed to sign in the common attendance register, they have signed in a separate attendance register. But that separate attendance register was never produced by the appellants in order to substantiate their contention to that effect.

7. Learned Single Judge in the impugned order has specifically observed that, it is found from the attendance register enclosed to the counter affidavit that the writ petitioners did not discharge the duties for the period from 01.07.2013 to 28.02.2015. As such learned Single Judge came to the conclusion that these appellants have never discharge their duties for the period in question and are thus not entitled to get their salary for that period.

8. Before this Court in present writ appeal, a copy of the attendance register was produced by learned Additional Government Advocate at Annexure-A/5 through a memo. It is now seen that the same attendance register, which was produced in the counter affidavit before the learned Single Judge, is now containing the signatures of appellants namely, Sarojini Devi and Biswamohan Mishra.

9. Thus, we fail to understand that when the same attendance register, produced in the writ petition before the learned Single Judge, did not contain the signatures of these two appellants for the period from July 2013 onwards, then how the copy of the same attendance register now produced in present appeal is containing their signatures for the same period from July 2013 onwards. So, the inference is clear that copy of the attendance register under Annexure-A/5 is manipulated in the meantime, obviously by the person interested in the same.

10. In respect of the appellant-Bijay Kumar Behera (in W.A. No. 2633 of 2024) his signature is still not found in the copy of the attendance register produced by learned Additional Government Advocate before this Court in present appeal.

11. In view of absence of signature in the attendance register by the appellants produced in the writ petition before the learned Single Judge and the stand taken by them that they were signing in a separate attendance register, and taking note of present copy of the same attendance register as produced before us in present appeal, we are convinced that these appellants have not discharged their duty for the period from 01.07.2013 to 28.02.2015. Whatever signatures are found in the same attendance register subsequently, as produced before us, are not genuine and thus cannot be relied on as authentic.

12. Accordingly, the finding of the learned Single Judge is confirmed. Resultantly, the writ Appeals are dismissed.

13. An urgent certified copy of this order be supplied on proper application.

(B.P. Routray)
Judge

(Savitri Ratho)
Judge

Subhalaxmi

Signature Not Verified
Digitally Signed
Signed by: SUBHALAXMI PRIYADARSHANI SAHOO
Reason: Authentication
Location: Orissa High Court, Cuttack
Date: 04-Nov-2026 19:37:03