IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.30460 OF 2026
CNR No. ODHC010732382026

Trilochana Kundu & another …. **Petitioners**

Mr. Omkar Panda, Advocate

-versus-

State of Odisha and others …. **Opp. Parties**

Mr. C.M. Singh, ASC
Mr. S. Jena, Advocate (Intervenor)

CORAM:
HON'BLE MR. JUSTICE R.K. PATTANAIK

ORDER
09.11.2026

I.A. No. of 2026

Order No.

02. 1. Instant I.A. is filed in Court today and the same be registered forthwith.

2. Heard Mr. Panda, learned counsel for the petitioners and Mr. Singh, learned ASC for the State and also Mr. Jena, learned counsel for the Intervenor.

3. Instant I.A. is filed seeking impletion of the Intervenor on the ground stated.

4. Mr. Jena, learned counsel for the Intervenor submits that the petitioner herein is one of the selected candidates, hence, he has the locus standi to file the I.A. and therefore, to be impleaded as one of the opposite parties in the writ petition. A copy each of the I.A. is served on Mr. Panda, learned counsel and on the State.

5. The submission of Mr. Jena, learned counsel is that the petitioner should be allowed to intervene and impleaded in the interest of justice.

6. Recorded the response of Mr. Panda, learned counsel for the writ petitioner and also Mr. Singh, learned ASC for the State.

7. Considering the facts pleaded in the I.A, this Court is of the view that the intervenor should be impleaded and hence, it is ordered.

8. I.A is disposed of with the Intervenor be impleaded as opposite party No.5.

R.K. Pattanaik
(Judge)

W.P.(C) No.30460 of 2026

03. 1. The writ petition is filed by the petitioners challenging the impugned order at Annexure-5 of opposite party No.5 on the grounds stated.

2. This Court by order dated 19th September, 2026 directs the State to take instructions and file reply with an interim order vide I.A. No.18316 of 2026.

3. Today, Mr. Singh, learned ASC for the State informs the Court that the instructions have been received.

4. Mr. Jena, learned counsel for opposite party No.5 submits that the final gradation list has already been published, the fact which was suppressed by the petitioner. It is further submitted that

the said list was prepared and published on 20th August, 2026. A copy of the office order of the DEO, Bhadrak, namely, opposite party No.3 is at Annexures 3 series to the I.A. It is further submitted that there is suppression of said fact by the petitioners, hence, the writ petitioner should be dismissed and while claiming so, he refers to a decision of the Apex Court in **Shri K. Jayaram & Ors. Vrs. Bangalore Development Authority & Others in Civil Appeal No(s). 7550-7553 of 2021** decided on 8th December, 2021. It is his further submission that remedy is equitable in nature and therefore, any such suppression of facts disentitles relief. Mr. panda, learned counsel for the petitioner submits that in case any such final gradation list is published, it was not made public. In other words, Mr. Panda, learned counsel claims that secretly the final gradation list was prepared and it was not within the knowledge of the petitioners.

5. Recorded the response of the State.

6. From Annexure-A series to the I.A., it is made to reveal that by office order No.10787 dated 20th August, 2026 of opposite party No.3, the final gradation list has been published. Considering such an order of opposite party No.3, this Court is not inclined to accept the plea of the petitioner that the same has been secretly accomplished. No such pleading is on record to claim that the promotion is given to others after having secretly published the final gradation list. The only claim is that without a gradation list finally published, the promotion has been considered and the petitioners have been prejudiced. Such a plea cannot stand in view

of the fact that opposite party No.3 passed the office order on 20th August, 2026 with the publication of final gradation list.

7. In **Shri K. Jayaram** (supra), this Apex Court held and observed as under:

> "12. It is well-settled that the jurisdiction exercised by the High Court under Article 226 of the Constitution of India is extraordinary, equitable and discretionary and it is imperative that the petitioner approaching the writ court must come with clean hands and put forward all facts before the Court without concealing or suppressing anything. A litigant is bound to state all facts which are relevant to the litigation. If he withholds some vital or relevant material in order to gain advantage over the other side then he would be guilty of playing fraud with the court as well as with the opposite parties which cannot be countenanced.
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> 13.This Court in **Prestige Lights Ltd. V. State Bank of India** has held that a prerogative remedy is not available as a matter of course. In exercising extraordinary power, a writ court would indeed bear in mind the conduct of the party which is invoking such jurisdiction. If the applicant does not disclose full facts or suppresses relevant materials or is otherwise guilty of misleading the court, the court may dismiss the action without adjudicating the matter. It was held thus:
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> "33. It is thus clear that though the appellant Company had approached the High Court under Article 226 of the Constitution, it had not candidly stated all the facts to the Court. The High Court is exercising discretionary and extraordinary jurisdiction under Article 226 of

the Constitution. Over and above, a court of law is also a court of equity. It is, therefore, of utmost necessity that when a party approaches a High Court, he must place all the facts before the Court without any reservation. If there is suppression of material facts on the part of the applicant or twisted facts have been placed before the Court, the writ court may refuse to entertain the petition and dismiss it without entering into merits of the matter.

14. In **Udyami Evam Khadi Gramodyog Welfare Sanstha and Another v. State of Uttar Pradesh and Others,** this Court has reiterated that the writ remedy is an equitable one and a person approaching a superior court must come with a pair of clean hands. Such person should not suppress any material fact but also should not take recourse to legal proceedings over and over again which amounts to abuse of the process of law."

8. In course of hearing, Mr. Jena, learned counsel files another decision of the Apex Court in **The Auroville Foundation Vrs. Natasha Storey** in Civil Appeal No.13651 of 2024 decided on 17th March, 2025 with the submission that the petitioners are not entitled to any such relief for the suppression of fact as to the publication of final gradation list. Having recorded the submissions of learned counsel for the respective parties, this Court is of the view that nothing remains for determination in view of the publication of the final gradation list. Accordingly, it is ordered.

9. In the result, the writ petition stands dismissed. Interim order dated 19th September, 2026 vide I.A. No.18316 of 2026

is hereby vacated. It is, however, observed that the petitioners are at liberty to challenge the final gradation list published in the meantime.

10. Issue urgent copy of this order on proper application.

R.K. Pattanaik
(Judge)

Himansu

Signature Not Verified
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Reason: Authentication
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Date: 12-Nov-2026 19:19:10