



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C). No.4698 of 2024

[CNR No. ODHC010136292024]

An application under Article 226 of the Constitution of India.

Geetanjali Majhi

....

Petitioner

-versus-

***1. The Registrar General,
Orissa High Court, Cuttack.***

***2. The Registrar, Examination,
Orissa High Court, Cuttack.***

....

Opposite Parties

Advocates appeared in this case:-

For Petitioner

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***Ms. Saswati Mohapatra,
Advocate.***

For Opposite Parties

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***Mr. Bigyan Kumar Sharma,
Sr. Advocate.
Assisted by Mr. D.R. Bhokta,
Advocate.***

CORAM:

HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

AND

HON'BLE MR. JUSTICE SIBO SANKAR MISHRA

J U D G M E N T

DATE OF HEARING : 10.04.2026

DATE OF JUDGMENT : 18.08.2026

Manash Ranjan Pathak, J.

1) Heard Ms. Saswati Mohapatra, learned Advocate for the petitioner and Mr. Bigyan Kumar Sharma, learned Senior Advocate,



assisted by Mr. Dipti Ranjan Bhokta, learned Advocate for the opposite parties.

2) On 29th August, 2023, the Registrar of Examination, Orissa High Court, Cuttack (O.P.No.2) issued advertisement No. 05 of 2023 inviting on-line applications from the eligible candidates in the prescribed format till 11:59 P.M. of 15.09.2023 for direct recruitment for filling up of 23 posts in the Cadre of District Judge from the Bar in the scale of pay of Rs.1,44,840/- - Rs.1,94,660/- with usual D.A. and other allowances as admissible for the year 2023, stipulating that the said recruitment shall be conducted in accordance with the provisions of the Orissa Superior Judicial Service Rules (OSJS), 2007 and (Orissa Judicial Service (O.J.S) Rules, 2007 and its subsequent amendments, where 15.09.2023 was the last date prescribed for receipt of duly filled up applications for those 23 advertised posts from the Bar.

3) Out of those 23 posts of District Judge by direct entry from the Bar in the year 2023 **(i)** 12 (twelve) numbers of posts were for unreserved category, amongst which 4 (four) were for women; **(ii)** 2 (two) numbers of posts were under SEBC (Socially & Educationally Backward Classes) category, out of which 1 (one) was for women: **(iii)** 4 (four) numbers of posts were for SC (Scheduled Caste) category amongst which, 1 (one) was for women and **(iv)** 5 (five) numbers of posts were for ST (Scheduled Tribe) category, amongst which 2 (two) numbers were for women.

4) The said advertisement dated 29.08.2023 for direct recruitment to the posts in the Cadre of District Judge from Bar amongst others



also specified the following eligibility criteria with certain explanation that were that – a candidate must:-

- (a) Be a graduate in Law from a recognized University or an Institution recognized by the Government.
- (b) Be having at least seven years of continuous practices as an advocate as on **1st April 2023** and should be on active practice as on the date of application.
- (c) Not be below 35 (Thirty-Five) years of age and above 45 (Forty-Five) years of age as on **1st April 2023**, indicating that the maximum age limit was relaxed by 5 (five) years in the cases of the candidates belonging to the Scheduled Caste, Scheduled Tribe, SEBC and 10 (Ten) years in case of Persons with Disabilities (PwD).

Providing further that a candidate who comes under more than one category, will be eligible for only one age relaxation benefit, which shall be considered most beneficial to him/her.

5) Moreover, the said advertisement dated 29.08.2023 amongst others also laid down the following disqualification for appointment that (i) the candidate should be able to speak, read and write Odia, (ii) unless he/she had passed a test in Odia equivalent to Middle School Standard.

6) As per the said Advertisement dated 29.08.2023, the scheme of the examination was in accordance with the provisions of the Orissa Superior Judicial Service (OSJS) Rules, 2007 and Orissa Judicial Service (OJS) Rules, 2007 and its subsequent amendments. As per the said Advertisement dated 29.08.2023, there was Written



Examination that was fixed on three papers each carrying 100 Marks each with a duration of 2 (two) hours for each paper, followed by Interview and then Merit List, which were as follows:

PAPER - I

(1) The Code of Civil Procedure	30 marks
(2) Personal Law	30 marks
(3) Transfer of Property Act, Specific Relief Act, the Limitation Act, Law, the Law of Contract, the Odisha Consolidation of Holding and Prevention of Fragmentation, of Land Act, Odisha Estate Abolition Act, the Odisha Land Reforms Act, and Law of Motor Accident Claim	40 marks
Total	100 marks

PAPER - II

(1) The Code of Criminal Procedure	30 marks
(2) The Indian Penal Code	30 marks
(3) The Indian Evidence Act	30 marks
(4) The Narcotic Drugs and Psychotropic Substance Act, The Food Safety and Standard Act, 2006, The Prevention of Corruption Act, The Essential Commodities Act, The Environmental Protection Act, Water (Prevention and Control of Pollution) Act, 1974, the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and the Protection Women from Domestic Violence Act, 2005	10 marks
Total	100 marks



PAPER – III
General English:-

- | | |
|--|-----------|
| (1) Translation from Odia to English (10 lines) | 10 marks |
| (2) Re-translation from English to Odia (10 lines) | 10 marks |
| (3) A short essay of maximum 150 words | 30 marks |
| (4) Precis writing consisting of maximum 300 words | 30 marks |
| (5) 1 (one) passage of maximum 500 words with five Questions | 20 marks |
| Total | 100 marks |

(B) Interview: -

- (1) Interview shall carry 30 marks.
- (2) Candidates shall be called for interview in the proportion of 1:10, provided that such candidates have obtained at least forty five percent of marks in each of the written papers and fifty percent of marks in aggregate.

(C) Merit List:-

The final merit list shall be prepared on the basis of marks obtained in the Written Test and Interview:

Provided that a candidate shall not be included in the merit list unless such candidate secures a minimum of 40% of marks in the interview.

7) The said advertisement dated 29.08.2023 also indicated the documents to be uploaded by the eligible candidates and amongst them were (i) Bachelor Degree in Law, (ii) The candidates should upload clear and eligible scanned copies of a certificate from the concerned District Judge of the District, showing the period of his/her practice at Bar, issued within a period of 3 (three) months prior to the last date of submission of the application (iii) Two certificates of good



character each issued from separate gazetted officers within a period of 3 months prior to the last date of receipt of the application (iv) The candidates belonging to the category of S.C/S.T./SEBC were required to furnish the certificate from the competent authority indicating their respective category (v) Certificate from the competent authority in proof of passing Odia of Middle School standard etc.

8) The Petitioner being eligible applied for the said advertised posts in the Cadre of District Judge for the year 2023 from the Bar. Finding her said application as proper, the Registrar, Examination, Orissa High Court issued Admit Card to the petitioner with Roll No.88, allowing her to appear in the written examination in the Cadre of District Judge from the Bar 2023 that was fixed on 05.11.2023 (Sunday) at Cambridge School, Cantonment Road, Cuttack and the petitioner accordingly appeared in the said written examination.

9) According to the petitioner, the result of the said written examination conducted on 05.11.2023 (Sunday) was published on 08.01.2024 and the mark secured by her in the said written examination was published on 09.01.2024. According to the petitioner, she obtained 65 marks out of 100 in Paper-I, 52 Marks out of 100 in Paper-II and 42 marks out of 100 in Paper-III (General English), respectively. As she could not qualify for interview, securing 42 marks in Paper-III (General English), being less than 45 marks as required in terms of the said advertisement she was not called for in the interview.

10) Being disqualified, the petitioner sought for the answer script as well as the model answer sheet of Paper-III (General English) of the



said written examination through RTI application. On 09.02.2024, the petitioner received a letter through e-mail from the SPIO (State Public Information Officer) by which she was directed to collect the evaluated answer script of Paper-III (General English) on payment of fee. Further by the said letter dated 09.02.2024, the SPIO also informed the petitioner that as per the relevant provisions of the Orissa High Court Right to Information Rules, 2005, model answer sheet of Paper- III (General English) of the said examination cannot be supplied to her. Accordingly, her answer script of Paper-III (General English) that she asked for was supplied to the petitioner on 13.02.2024.

11) The petitioner found from the answer script that was provided to her by the SPIO (State Public Information Officer) on 13.02.2024 that she has secured 45 marks in the written examination of Paper-III (General English) but due to wrong computation of marks in the tabulation sheet, it was shown that she had obtained only 42 marks in the said Paper-III examination for which she could not qualify for the interview.

12) As such, the petitioner on 28.02.2024 filed this Writ Petition, praying before the Court that after hearing the parties, it may be pleased to correct the computation marks from 42 to 45 in Paper-III (General English) and thereby to allow her to appear in the interview to the posts in the Cadre of District Judge from the Bar 2023 stating that she has secured total 50% marks in aggregate as per the stipulation provided in the said advertisement dated 29.08.2023 issued by the opposite parties.



13) After hearing the parties, a co-ordinate Bench of this Court on 05.03.2024, issued notice to the opposite parties and, on 12.09.2024 opposite parties filed its first counter affidavit in this Writ Petition.

14) In its first counter affidavit filed by the opposite parties on 12.09.2024, it was submitted that in response to Court's advertisement No. 05 of 2023, the petitioner had applied for the posts in the Cadre of District Judge 2023 directly from the Bar and being found eligible, she appeared in the written examination that was held on 05.11.2023. Since the petitioner had secured 65, 52 and 42 marks in Papers-I, II and III, respectively, that was evident from the marks secured by the candidates in the written examination uploaded in the Court's website on 09.01.2024 and as the petitioner did not secure the minimum qualifying marks that is 45% in her Paper-III (General English), she did not qualify to attend the interview. Therefore, she was not called for the interview. Further, in the said counter affidavit, the opposite parties also clarified that direct recruitment to the posts in the Cadre of District Judge from the Bar for the year 2023 had already been completed and no candidate could qualify in the interview. It was stated by the opposite parties that the selection for the posts of direct recruitment to the posts in the Cadre of District Judge from the Bar, 2023 as per Court's advertisement No. 05 of 2023, provisions of Odisha Superior Judicial Service Rules (OSJS) 2007 and Odisha Judicial Service (OJS) Rules 2007 as amended subsequently, were followed. However, the opposite parties in the said affidavit clearly stated that if the Hon'ble Court would be pleased to conclude that the petitioner has secured 45 marks instead of 42 in



the said Paper-III (General English) and 50% marks in aggregate, then she will be eligible to appear in the interview.

15) A co-ordinate Bench of this Court, after hearing the parties, by its order dated 03.07.2025 fixed this Writ Petition on 18.07.2025.

16) On 18.07.2025, learned Additional Government Advocate in terms of the order dated 03.07.2025 handed over the sealed cover containing the relevant written Answer Script of Paper-III (General English) of the petitioner before the Court and as per instruction of the Court, it was opened by the Court Master.

17) After hearing both the sides, petitioner as well as the opposite parties, the co-ordinate Bench of this Court on 18.07.2025 passed the following order:

CORAM:
HON'BLE MR. JUSTICE DIXIT KRISHNA SHRIPAD
HON'BLE JUSTICE SANJAY KUMAR MISHRA

Order
18.07.2025

Order No.
05

"1. Mr. Panda, learned Additional Government Advocate in terms of the order dated 03.07.2025 handed over the sealed cover containing the relevant Answer Script of Paper-III (General English) of the petitioner before the Court that was opened by the Court Master as per instruction of the Court.

2. *In our order dated 03.07.2025, we had said as under –*

"Learned counsel for the petitioner brings to notice of the Court page-31 of the petition which is copy of the tabulation for the marks secured in Paper-III of the examination (English). She refers to question No.4 where 12 marks were given out of 30, which has been struck off and again 9 marks have been given with accompanying initial. The total marks awarded reflect, it was 55 scored, then changed to 46, then changed to 43 and then finally awarded 42. It is



contended that since then the qualifying mark is 50, the petitioner would have qualified by securing 55 marks. Then she brings to the notice of the Court the answer to the question no.4 which shows initially 10 marks were given thereafter in all likelihood the '0' has been changed to '2' resulting in 12 marks given.

2. Learned counsel appearing for the opposite parties is directed to produce the original answer script, scheme of evaluation along with a report indicating the scoring through of marks in the top page of the answer scripts, the initials contained therein and the reasons for such change of marks as reflected in the answer script itself. Everything should be kept in sealed cover to be produced before the Court.

3. Call this matter on 18.07.2025."

3. Pursuant to the said order, the learned Additional Standing Counsel appearing for the opposite parties has secured the original answer script of the petitioner along with the report dated 14.07.2025 representing the Registrar General of this Court.

4. We have very carefully perused the answer script by following the pages and meticulously applied our mind to the entries of values as against answers given by the evaluator. We are of the prima facie opinion that there are some interpolations of the values and more particularly at page-1 of the answer script. Doubts arise in our mind as to the ink and Author of the apparent alterations being different from the original one. Truth should be ascertained since the matter pertains to appointment of judicial officer in the lower judiciary.

5. We also had put our proposal to the learned counsel for the petitioner, the learned Additional Government Advocate and the learned Additional Standing Counsel appearing for the opposite parties. They cottoned with our proposal.

6. In the above circumstances, we direct the Registrar General of this Court to cause forensic examination of the original answer script with the following questions:-

- i) Whether there is any interpolation in the pages of answer script?
- ii) Whether the original script and the interpolated script are of the same Author?
- iii) Whether the ink and pen used by the original Evaluator are different from those relatable to the subject interpolation?



It is open to the Forensic Examiner to see other aspects of the matter. The entire exercise should be accomplished within an outer limit of eight weeks.

Registry to take all steps to implement this order. List this matter immediately after the forensic examination report is obtained.

7. Sealed cover documents are returned to the learned Additional Standing Counsel and he acknowledges receipt of the same."

Sd/-
(Dixit Krishna Shripad)
Judge
Sd/-
(S.K. Mishra)
Judge

18) Following the above noted order dated 18.07.2025, the State Forensic Science Laboratory, Odisha, Bhubaneswar vide communication No. HW/79/2025/7719 dated 25.08.2025 submitted a detailed report in a sealed cover with its opinion, which was placed before us on 21.01.2026. The same was opened by the Court Master as per our direction in our presence and was placed for our perusal. Considering that this Court on 21.01.2026 directed to reseal the said report dated 25.08.2025 of the State FSL and to place it before the Registrar General (opposite party No.1) directing the said authority to open the said report and peruse the same and further to engage their own Empanelled Counsel, as in the meanwhile this High Court have prepared a list of Senior and other counsels to represent the High Court and its Registry.

19) On 12.03.2026, the opposite party no.2 on behalf of the opposite parties filed an Additional Affidavit in the present case submitting that the marks awarded against the individual answers



were taking into considerations and then the total marks secured by the petitioner in Paper-III was found to be 45 in the said affidavit. The opposite parties also submitted that there appears to be mistake in reflecting the marks awarded against the individual answers on evaluation sheet, which resulted in erroneous totally thereof. According to the opposite parties, the answer script speaks for itself and in the interest of justice, the scores appearing before the individual answers are germane to arrive at the total marks secured by a candidate in preference to evaluation sheet. Even in this additional affidavit, the opposite parties submitted that if the Hon'ble Court is pleased to conclude that the petitioner has secured 45 marks instead of 42 in Paper-III, she becomes eligible to appear in the interview as she qualifies in each of the three papers securing 50 per cent marks in aggregate. The opposite parties further submitted that the direct recruitment to the posts in the Cadre of District Judge from the Bar for the year 2023 has already been completed and no candidate could qualify in the written examination and become eligible to appear in the interview.

20) From the said report and opinion dated 25.08.2025 of the Orissa Police State FSL, Bhubaneswar that on due and proper examination of the written answer script of Paper-III (General English) of the petitioner, we found that marks and the figures obtained by the petitioner in her Paper-III (General English) was subsequently changed by overwriting that too in different ink with addition of short signature, indicating that there was manipulation of figure (marks) in different ink as well as overwriting in different ink. However, the said report dated 25.08.2025 of the Orissa Police State



FSL, as regards examination of authorship of the manipulations, stated that it was not possible to express any different opinion as the manipulations do not provide sufficient identifiable writing characteristics.

21) Considering the said report and opinion dated 25.08.2025 of the Orissa Police State FSL, we are of the view that the written answer script of Paper-III (General English) of the petitioner was subsequently manipulated where figures of the marks obtained by her in the said Paper-III was subsequently changed by overwriting that too in different ink with edition of short signature, indicating that there was manipulation of figure (marks) in different ink as well as overwriting in different ink.

22) Therefore, considering the said report and opinion dated 25.08.2025, noted above of the Orissa Police State FSL, we are of the opinion that the petitioner secured '45' marks in her written examination of Paper-III (General English) and not '42' marks as uploaded in the Court's website on 09.01.2024.

23) The opposite parties in its first counter affidavit as well as in the additional affidavit filed on 12.03.2026 stated that if the Hon'ble Court would be pleased to conclude that the petitioner has secured 45 marks instead of 42 in the said Paper-III (General English) and 50% marks in aggregate, then she will be eligible to appear in the interview. In its first counter affidavit filed by the opposite parties on 12.09.2024, it was submitted that in response to Court's advertisement No. 05 of 2023, the petitioner had applied for the posts in the Cadre of District Judge 2023 directly from the Bar and being



found eligible, she appeared in the written examination that was held on 05.11.2023. But as the petitioner secured 65, 52 and 42 marks in Papers-I, II and III, respectively, which was evident from the marks secured by the candidates in the written examination uploaded in the Court's website on 09.01.2024, the petitioner did not secure the minimum qualifying marks such that 45% in Paper-III (General English) and she did not qualify to attend the interview. However, in the said counter affidavit, the opposite parties also clarified that direct recruitment to the posts in the Cadre of District Judge from the Bar for the year 2023 had already been completed and no candidate could qualify in the interview, as such, she was not called for the interview. It was stated by the opposite parties that while considering the selection for the posts of direct recruitment to the posts in the Cadre of District Judge from the Bar, 2023 as per advertisement No. 05 of 2023, provisions of Odisha Superior Judicial Service and Odisha Judicial Service Rule 2007 as amended subsequently, were followed. The opposite parties in the said affidavit clearly stated that if the Hon'ble Court would be pleased to conclude that the petitioner has secured '45' marks and not '42' marks in the said Paper-III (General English) and 50% marks in aggregate, then she will be eligible to appear in the interview. The opposite parties already admitted that the petitioner secured 65/100 marks in the Paper-I and 52/100 marks in the Paper-II. As we have now on the basis of the report and opinion dated 25.08.2025 of the Orissa Police State FSL, we have determined that the petitioner obtained 45 marks in her Paper-III and not 42 marks. The above clearly indicates that the petitioner was deprived to appear in the interview for the posts in the Cadre of



District Judge 2023 by way of manipulation. As such, the petitioner now qualified in the interview for the posts in the Cadre of District Judge from the Bar 2023.

24) The opposite parties have already specified that the petitioner secured 65/100 in the written examination of Paper-I and 52/100 in the written examination of Paper-II and now 45/100 in written examination of Paper-III, she is eligible for interview for the posts of direct recruitment to the posts in the Cadre of District Judge from the Bar 2023.

25) In this regard, we have also taken note of the submissions of the opposite parties made by them in their first counter affidavit filed on 12.09.2024 as well as the additional affidavit filed by them on 12.03.2026, wherein they stated that if the petitioner secures 45 marks instead of 42 in Paper-III, she would become eligible to appear in the interview as she qualifies in each of the three papers securing 50 per cent marks in aggregate.

26) Mr. Sharma, learned Senior Counsel assisted by Mr. Bhokta, learned counsel for the opposite parties submitted that the interview to the posts in the Cadre of District Judge from the Bar 2023 was conducted by a specific committee consisting of few Hon'ble Judges of this Court as its Members and that of some of the Member(s) of the said specific committee have already laid down their office on attaining the age of superannuation.

27) Taking into consideration the entire conspectus of the matter and regard being had to the submissions of learned counsel



appearing for the parties, we are inclined to accede to the prayer of the petitioner. Accordingly, we direct the Registrar General (opposite party No.1) of this Court to place the matter before the Hon'ble the Chief Justice in His Lordship's Administrative side and after constitution of the Committee of the Judges by the Hon'ble the Chief Justice, take all necessary steps to conduct the interview of the petitioner for the post in the Cadre of District Judge from the Bar 2023. It is expected that the entire exercise will be done within two weeks from today.

28) Accordingly, this Writ Petition stands allowed.

29) No order as to costs.

30) The report and opinion dated 25.08.2025 submitted by the Orissa Police State FSL in terms of order dated 18.07.2025 passed earlier by a co-ordinate Bench of this Court be re-sealed and be handed over to the Registrar General of this Court (opposite party No.1) for its needed custody and obtaining necessary acknowledgement from the said authority in that regard.

(Manash Ranjan Pathak)
Judge

Sibo Sankar Mishra, J. I agree

(Sibo Sankar Mishra)
Judge

Orissa High Court, Cuttack
The 18th August 2026/Ranjeeta