State Of Odisha & Ors vs Laxman Sarbhang And Others on 13 November, 2026

Author: Sashikanta Mishra

Bench: Sashikanta Mishra

IN THE HIGH COURT OF ORISSA AT CUTTACK

RVWPET No. 165 of 2026
CNR No. ODHC010554902026
RVWPET No. 166 of 2026
CNR No. ODHC010554932026
RVWPET No. 167 of 2026
CNR No. ODHC010554922026
RVWPET No. 169 of 2026
CNR No. ODHC010554892026

(Applications under Order-XLVII Rule-l of CPC for review of Judgment dated 06.02.2025 passed in WP(C) No. 13017 of 2018 & Batch)

RVWPET No. 165 of 2026

State of Odisha & Ors. ..... Petitioners

-Versus-

Laxman Sarbhang and Others. ..... Opposite Parties

RVWPET No. 166 of 2026

State of Odisha & Ors. ..... Petitioners

-Versus-

Laxman Sarbhang and Others. ..... Opposite Parties

RVWPET No. 167 of 2026

State of Odisha & Ors. ..... Petitioners

-Versus-

Biswaranjan Panigrahi ..... Opposite Party

RVWPET No. 169 of 2026

State of Odisha & Ors. ..... Petitioners

-Versus-

Suratha Suna & Ors. ..... Opposite Parties

For Review Petitioners : Mr. S.N. Patnaik,
Addl. Government Advocate

Mr. J. Gupta, Advocate

For Opp. Parties : None

CORAM:
JUSTICE SASHIKANTA MISHRA

JUDGMENT

13.11.2026 SASHIKANTA MISHRA, J. The State is the petitioners in all these applications. It seeks review of the judgment dated 06.02.2025 passed by this Court in W.P.(C) No. 21256 of 2021 and batch of cases, whereby the Comprehensive Guidelines dated 06.04.2018, insofar as they provided for application of the ORV Act and the Rules framed thereunder to the engagement of Gram Rozgar Sevaks (GRSs), along with the consequential advertisement, were interfered with.

2. Bereft of unnecessary facts, the case of the petitioner is that the Odisha Reservation of Vacancies in Posts and Services (for Scheduled Castes and Scheduled Tribes) Amendment Act, 2023, which came into force with effect from 19.08.2023, amended Section 3 of the ORV Act by inserting Sub-Section (2), thereby extending the applicability of reservation to tenure, contractual and schematic posts which are to be regularised against sanctioned posts. However, the amendment could not be brought to the notice of this Court at the time of adjudication of the writ petitions. It is stated that the amended provision has a bearing on the issue of applicability of reservation to the engagement of GRSs and, therefore, warrants review of the judgment dated 06.02.2025.

3. Heard Mr. S.N. Patnaik, learned counsel for the Review Petitioner-State, and Mr. J. Gupta, learned counsel appearing for the persons affected by the judgment sought to be reviewed. Though notice was duly served on the Page 3 of 8 opposite parties, who were the writ petitioners in the aforesaid writ petitions, none of them entered appearance.

4. Mr. Patnaik would argue that the amendment to Section 3 of the ORV Act has materially altered the statutory position by extending the applicability of reservation to tenure, contractual and schematic posts which are to be regularised against sanctioned posts. He submits that the amendment, having come into force on 19.08.2023, was inadvertently not brought to the notice of this Court during hearing of the writ petitions. He further submits that following the absorption of GRSs into the cadre of Accountant-cum-Data Entry Operators, 5,484 posts of GRSs are lying vacant against the total sanctioned strength of 6,794 posts. He also draws attention of this Court to the fact that advertisements for engagement of GRSs were issued by three districts prior to 19.08.2023, whereas twenty-three districts issued advertisements after the said date. According to him, the above recruitment processes in the said twenty-three districts are required to be considered in the light of the amended provisions of the ORV Act. He, Page 4 of 8 therefore, submits that the judgment under review requires modification so that the same does not create any impediment or confusion in proceeding with the above recruitment.

5. Mr. Gupta would argue that the persons represented by him are concerned with the consequences flowing from the judgment dated 06.02.2025. He further submits that the recruitment processes initiated pursuant to advertisements issued by the twenty-three districts is required to be considered in the light of the amended provisions of the ORV Act.

6. Having considered the submissions advanced on behalf of the Review Petitioner and the materials on record, this Court finds that the notification dated 07.11.2023, having a bearing on the issue involved, was not brought to the notice of this Court

at the time of adjudication of the writ petitions. The judgment under review primarily dealt with the validity of the Comprehensive Guidelines dated 06.04.2018 and the consequential advertisements dated 30.06.2018 and 24.03.2021. The effect Page 5 of 8 of the amendment to the Odisha Reservation of Vacancies in Posts and Services (for Scheduled Castes and Scheduled Tribes) Act, 1975, which came into force on 19.08.2023, not being raised by any party, was not considered.

7. It is brought to the notice of this Court that advertisements for engagement of Gram Rozgar Sevaks were issued by three districts prior to 19.08.2023, whereas twenty-three other districts issued advertisements subsequent thereto. Obviously, the recruitment processes initiated pursuant to the subsequent advertisements stand on a different statutory footing in view of the amendment to Section 3 of the ORV Act by insertion of sub-section (2), which extends reservation to tenure, contractual and schematic posts required to be regularised against sanctioned posts. Since the effect of the amendment and the notification dated 07.11.2023 was not considered in the judgment under review, it has resulted in a general direction being issued that is, affecting all advertisements without distinguishing between those issued prior to 19.08.2023 and those, after it. Accordingly, a modification is deemed Page 6 of 8 necessary to ensure that the judgment under review does not cause any confusion with regard to advertisements issued after 19.08.2023.

8. In view of the above, this Court is of the considered opinion that the review applications deserve to be allowed.

9. Accordingly, the review applications are allowed to the extent of modifying the judgment dated 06.02.2025 passed by this Court in W.P.(C) No. 21256 of 2021 and batch of cases to insert a new paragraph being Paragraph- 29-A and to substitute Paragraph-30 thereof, as follows:

> "29-A. Having held as above, this Court takes note of the amendment effected to the ORV Act by the Odisha Reservation of Vacancies in Posts and Services (For Scheduled Castes and Scheduled Tribe Amendment Act. 2023 whereby a clause being clause under Sub-section (1) and a sub-section, being sub section (2) were inserted. The amended provisions are reproduced below:
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> "(2) Notwithstanding anything contained in sub-

section (1), reservation shall apply to appointment made or to be made to all tenure posts or contractual posts or Schematic posts which are to be regularised against the sanctioned posts."

As per sub-section (2) of Section 1 of the Amendment Act, the same shall be deemed to have come into force on the 19th day of August, 2023.

30. From the above narration, it follows that till 19.08.2023, there was no enabling provision in the ORV Page 7 of 8 Act to extend the benefit of reservation to schematic, tenure or contractual posts. As a natural corollary, it must also be held that the benefit of reservation as conferred by the amendment to the ORV Act could not have been extended to engagements before such amendment came into force, it being prospective in operation. Hence, as already held by this Court, the impugned comprehensive guidelines dtd. 06.04.2018 in so far as it relates to making the provisions of the ORV Act strictly applicable in case of engagements made prior to 19.08.2023, cannot be sustained in the eye of law. Consequently, the advertisement dated 30.06.2018 providing for reservation in respect of all the 19 vacancies also cannot be sustained. It is however, clarified that advertisements issued on or after 19.08.2023 shall be governed by the prevailing law, that is, in conformity with the amended provisions of the ORV Act discussed above."

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Sashikanta Mishra, Judge Orissa High Court, Cuttack, The 13th November, 2026/A.K. Rana, P.A. Signature Not Verified Digitally Signed Signed by: AJAYA KUMAR RANA Designation: P.A. Reason: Authentication Location: High Court of Orissa, Cuttack Date: 13-Nov-2026 15:18:56 Page 8 of 8