

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(s). _____ OF 2026
(@ SPECIAL LEAVE PETITION (CIVIL) NO(s).34586/2025)

STATE OF ODISHA & ORS.

APPELLANT(S)

VERSUS

CHHABINDRA KUMAR SAMAL

RESPONDENT(S)

(along with other connected matters as per the Record of
Proceedings)

O R D E R

1. Leave granted.
2. The appellants assail the impugned orders passed by the learned Division Bench and the learned Single Judge of the High Court of Orissa at Cuttack, allowing the Writ Petitions preferred by the respondents, who are contractual pharmacists in the Mobile Health Unit/Team in the medical facilities provided under the National Rural Health Mission (NRHM).
3. The learned Single Judge allowed the transferred Original Application(s)/Writ Petition(s), directing the appellants to consider the case of the Writ Petitioners in view of the directions given by this Court in "*The State of Odisha & Ors. vs. Amit Kumar Mishra & Ors.*"¹

4. In the matter of Amit Kumar Mishra (supra), this Court interpreted the provisions contained in the Odisha Pharmacist Service (Methods of Recruitment and Conditions of Service Rules), 2015, particularly Rules 4 and 6 thereof, to hold that under Rule 4, the contractual pharmacists are to be absorbed once they have completed six (06) years of satisfactory contractual service, and the contractual pharmacists who are yet to complete six (06) years of contractual service are to be deemed to be contractual Government employees and would be regularised as and when they complete six (06) years of satisfactory service, as per the proviso.

5. This Court further observed that, in view of the aforesaid, there is little doubt that, as per the statutory rules, the State of Odisha itself has provided for a deeming provision for such contractual employees, namely, pharmacists. Rule 5 of the said rules speaks about modalities for induction of the pharmacists in the cadre, while Rule 6 mentions the method of recruitment.

6. In view of the Rule position, this Court refused to interfere with the similar directions issued by the High Court in the matter of Amit Kumar Mishra (supra). In the present batch of Writ Petitions, the High Court followed its earlier order(s) in Amit Kumar Mishra (supra), as approved by this Court.

7. Mr. K.M. Nataraj, learned Additional Solicitor General, appearing for the appellants, submitted that sub-rule (1) of Rule 4 of the Odisha Pharmacist Service (Methods of Recruitment & Conditions of Service) Rules 2019 (for short, "the 2019 Rules"), has been further amended by the Odisha Pharmacist Service (Method of Recruitment and Conditions of Service) Amendment Rules, 2020, notified in the Odisha Gazette on 27th November 2020. The said amendment reads as under:

" 2. In the Odisha Pharmacist Service (Methods of Recruitment and Conditions of Service) Rules, 2019 (hereinafter referred to as the said Rules), in Rule 4, for Sub-rule (1) excluding the provisos, the following sub-rule shall be substituted, namely:—

(1) On the date of commencement of these Rules, all the contractual Pharmacists, who have been duly recruited by the concerned Societies or Schemes for working in different fixed Healthcare Facilities only against the posts approved or sanctioned by the Government in the Programme Implementation Plan (PIP) or Action plan of concerned Society or Scheme and have completed (06) years of satisfactory contractual service, shall be deemed to be regular Government employees as one time measure subject to fulfillment of eligibility criteria as prescribed under Rule 5. "

8. Basing on the above amendment, it is argued that the contractual pharmacists working only in fixed healthcare facilities are entitled for consideration for regularisation upon completion of six (06) years of

contractual service. Therefore, the respondents, having worked in Mobile Health Units/Teams, would not be covered within the sweep of the mandate of sub-rule (1) of Rule 4 of the 2019 Rules, as amended, and hence, the order passed by the High Court, in view of the amendment in the Rules, is not correctly interpreting the present rule position.

9. It is also argued that the Writ Petitioners, having not challenged the validity of the Rules, are not entitled for any relief, as the Rules, framed under Article 309 of the Constitution, have statutory force, and any direction by the High Court contrary to the Rules is not permissible.

10. Per contra, learned counsel for the respondents/writ petitioners would submit that the High Court has taken a correct view in light of the law laid down by this Court in Amit Kumar Mishra (supra). It is submitted that the rule position, as it existed before 27th November 2020, did not make any difference between contractual pharmacists employed in a fixed healthcare facility and those who are employed in the Mobile Health Unit/Team.

11. Learned counsel for the respondents would submit that reading the amendment to be applicable to the existing contractual pharmacists working in the Mobile Health Unit/Team would be contrary to the law laid down by this Court in Amit Kumar Mishra (supra).

12. Having heard learned counsel for the parties, we are of the considered view that the amendment made in sub-rule (1) of Rule 4 of the 2019 Rules would operate prospectively and would not take away the rights accrued in favour of any contractual pharmacist, be it a pharmacist working in a fixed healthcare facility or one working in the Mobile Health Unit/Team.

13. Reading it differently would unsettle the law laid down by this Court in Amit Kumar Mishra (supra). It is settled that unless the legislature or the rule-making authority makes a particular rule retrospective by making specific provision in that regard, the rules should be operative prospectively only.

14. Admittedly, the respondents/writ petitioners had completed six (06) years of contractual service as contractual pharmacists in the Mobile Health Unit/Team prior to the amendment dated 27th November 2020. Thus, any right which had already accrued in favour of the respondents/writ petitioners prior to coming into force of the amendment to the 2019 Rules, cannot be taken away by reading the same to be retrospective in effect, when the Rules do not say so.

15. In view of the above, we are not inclined to interfere with the impugned orders passed by the High Court. However, it is made clear that such contractual pharmacists working in the Mobile Health Unit/Team who

had not completed six (06) years of contractual service as on 27th November 2020 shall be governed under the amendment dated 27th November 2020.

16. The appeals are disposed of in the above terms.

17. Pending applications, if any, shall also stand disposed of.

.....J.
(PRASHANT KUMAR MISHRA)

.....J.
(SHREE CHANDRASHEKHAR)

NEW DELHI
08-09-2026

ITEM Nos.28 + 32 +
33 + 2

COURT NO.12

SECTION XI-A

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s).34586/2025

[Arising out of impugned final judgment and order dated 02-07-2025
in WA No.1323/2023 passed by the High Court of Orissa at Cuttack]

STATE OF ODISHA & ORS.

PETITIONER(S)

VERSUS

CHHABINDRA KUMAR SAMAL

RESPONDENT(S)

IA No. 280307/2025 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT

WITH

SLP(C) No.8945/2026 (XI-A)

SLP(C) No.8947/2026 (XI-A)

SLP(C) No.13537/2026 (XI-A)

SLP(C) No.15432/2026 (XI-A)

SLP(C) No.15427/2026 (XI-A)

SLP(C) No.15430/2026 (XI-A)

SLP(C) No.17503/2026 (XI-A)

SLP(C) No.19988/2026 (XI-A)

SLP(C) No. 21427/2026 (XI-A)

FOR ADMISSION and I.R.

IA No. 136835/2026 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT

SLP(C) No.19987/2026 (XI-A)

SLP(C) No.25711/2026 (XI-A)

SLP(C) No.27253/2026 (XI-A)

SLP(C) No.27255/2026 (XI-A)

IA No. 205630/2026 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

SLP(C) No. 27256/2026 (XI-A)

**SLP(C) No. 25837/2026 (XI-A)
FOR ADMISSION**

SLP(C) No. 28346/2026 (XI-A)

**SLP(C) No. 26826/2026 (XI-A)
FOR ADMISSION and I.R.**

**SLP(C) No. 27043/2026 (XI-A)
IA No. 230243/2026 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT**

IA No. 230238/2026 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES

SLP(C) No. 29109/2026 (XI-A)

IA No. 232005/2026 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES

**SLP(C) No. 27111/2026 (XI-A)
IA No. 231022/2026 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT**

IA No. 231020/2026 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES

**SLP(C) No. 26568/2026 (XI-A)
FOR ADMISSION**

SLP(C) No. 28345/2026 (XI-A)

**SLP(C) No. 26943/2026 (XI-A)
FOR ADMISSION**

**SLP(C) No. 26779/2026 (XI-A)
FOR ADMISSION**

SLP(C) No. 27546/2026 (XI-A)

IA No. 234446/2026 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 234443/2026 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES

SLP(C) No. 27671/2026 (XI-A)

IA No. 235471/2026 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 235474/2026 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES

**SLP(C) No. 26875/2026 (XI-A)
FOR ADMISSION**

SLP(C) No. 27884/2026 (XI-A)

IA No. 236598/2026 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 236597/2026 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES

Diary No(s). 32905/2026 (XI-A)

IA No. 228136/2026 - CONDONATION OF DELAY IN FILING

IA No. 228137/2026 - CONDONATION OF DELAY IN REFILING / CURING THE DEFECTS

SLP(C) No. 28190/2026 (XI-A)

IA No. 238978/2026 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 238973/2026 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES

SLP(C) No. 27100/2026 (XI-A)

IA No. 230923/2026 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 230926/2026 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES

SLP(C) No. 29110/2026 (XI-A)

**SLP(C) No. 28300/2026 (XI-A)
FOR ADMISSION**

**SLP(C) No. 28229/2026 (XI-A)
FOR ADMISSION**

SLP(C) No. 31954/2026 (XI-A)

SLP(C) No. 31960/2026 (XI-A)

IA No. 240854/2026 - EXEMPTION FROM FILING C/C OF THE IMPUGNED

JUDGMENT

SLP(C) No. 31402/2026 (XI-A)

SLP(C) No. 29441/2026 (XI-A)

IA No. 250509/2026 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

SLP(C) No. 31403/2026 (XI-A)

**SLP(C) No. 27410/2026 (XI-A)
FOR ADMISSION**

Diary No(s). 49394/2026 (XI-A)

SLP(C) No. 31399/2026 (XI-A)

SLP(C) No. 31400/2026 (XI-A)

SLP(C) No. 28426/2026 (XI-A)

SLP(C) No. 31401/2026 (XI-A)

SLP(C) No. 29210/2026 (XI-A)

Diary No(s). 49351/2026 (XI-A)

IA No. 253151/2026 - CONDONATION OF DELAY IN FILING

Diary No(s). 44235/2026 (XI-A)

IA No. 255889/2026 - CONDONATION OF DELAY IN FILING

Diary No(s). 49368/2026 (XI-A)

IA No. 250908/2026 - CONDONATION OF DELAY IN FILING

Diary No(s). 49380/2026 (XI-A)

IA No. 248651/2026 - CONDONATION OF DELAY IN FILING

Diary No(s). 44263/2026 (XI-A)

IA No. 246650/2026 - CONDONATION OF DELAY IN FILING

Diary No(s). 14480/2026 (XI-A)

IA No. 255057/2026 - CONDONATION OF DELAY IN FILING

IA No. 255058/2026 - CONDONATION OF DELAY IN REFILING / CURING THE DEFECTS

IA No. 255055/2026 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

Diary No(s). 49390/2026 (XI-A)

S.L.P. (C.) No.28830/2026

S.L.P. (C.) No.28765/2026

Date : 08-09-2026 These matters were called on for hearing today.

CORAM :

**HON'BLE MR. JUSTICE PRASHANT KUMAR MISHRA
HON'BLE MR. JUSTICE SHREE CHANDRASHEKHAR**

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**Upon hearing the counsel, the Court made the following
O R D E R**

1. Delay condoned.
2. Leave granted.
3. The appeals are disposed of in terms of the signed order, which is placed on the file.
4. Pending application(s), if any, shall stand disposed of.

**(D. NAVEEN)
COURT MASTER (SH)**

**(ANU BHALLA)
COURT MASTER (NSH)**