IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.12977/2025

GIRIJAKANTA ROUT **APPELLANT(S)**

VERSUS

ORISSA ADMINISTRATIVE TRIBUNAL & ORS. **RESPONDENT(S)**

WITH

C.A. No. 12979/2025

C.A. No. 12978/2025

O R D E R

1. **We have heard the learned counsel appearing for the appellants and the respondents.**
2. **The private appellant(s) before us were duly appointed as Live Stock Inspectors, pursuant to an advertisement dated 16.01.2004 issued by The Director, Veterinary and Animal Husbandry, Odisha. In an earlier notification dated 07.01.2000 issued by the Government of Orissa, Fisheries and A.R.D Department, the Selection Committee for the said post had been constituted in which the Project Director, DRDA was not notified as a member. However, by the subsequent notification issued by the Government of Orissa dated 28.11.2003, the said authority was also made a member of the Selection Committee.**

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Date: 2026.10.28 17:27:53 IST
Reason:

3. **Pursuant to the aforesaid advertisement, 45 candidates were called for interview on 22.06.2004 and selection has been made in the year 2006 by the subsequent Selection Committee, after which the appellants and the other candidates joined in the training and were appointed in the year 2008. Thereafter, they have been duly serving in the capacity of Live Stock Inspectors for the past 18 years.**

4. **In the year 2006, challenges have been made to the aforestated appointments by candidates who were not selected or appointed. The Orissa Administrative Tribunal was pleased to dismiss the said challenges in the year 2011. After the decision of the Orissa Administrative Tribunal, strangely, a *suo motu* proceeding was initiated by the Additional Secretary to the Government of Orissa, Department of Fisheries and ARD Department, Bhubaneswar and it was, accordingly, found that due procedure had not been followed in the selection of candidates to the post of Live Stock Inspector and, hence, it was recommended to declare the selection as null and void. This was done on the premise that the Project Director, DRDA was a Member of the Selection Committee. On 27.06.2012, the private appellant(s) and 11 others were terminated from service with immediate effect. The original application and the writ petition filed by the private appellant(s) before us, challenging their termination, were dismissed by the**

Tribunal and the High Court, respectively, and the order of termination was upheld. Consequently, a direction to prepare a fresh selection list was issued.

5. **Now, not only the private appellant(s), but the State has also challenged the said decision of the High Court before us, by taking a u-turn and seek to support the private appellant(s), probably, on the premise that the private appellant(s) are not at fault and, in any case, they have been in continuous service for the past 18 years.**

6. **The learned counsel appearing for the private appellant(s) would submit that it is nobody's case that the private appellant(s) were responsible for the procedural violation *qua* the Selection Committee. In any case, such a violation, *ipso facto,* will not make or render the selection bad in law.**

7. **It is further submitted that the private respondent(s) before us also would not be a beneficiary, since the order under challenge only facilitates a fresh selection. Furthermore, the private respondent(s) also participated in the selection process and they did not get selected.**

8. **Learned counsel appearing for the private respondent(s) would submit that since the selection was contrary to law, there is no need to interfere with the impugned order of the High Court, confirming that of the Tribunal.**

9. **Upon hearing the learned counsel appearing for the**

respective parties, we hold that both the Tribunal and the High Court have committed a serious error. The principle of natural justice has got two different facets. The first facet would be one which has the effect of making the very decision void *ab initio,* on the face of it. The other facet is one pertaining to procedural violation which would only make the decision voidable.

10. **In the case at hand, both the private appellant(s) and the private respondent(s) have participated in the selection process. In other words, had the private respondent(s) been selected, they would have also gone to the other side, by supporting the case of the private appellant(s). The private appellant(s) have continued in service for the past 18 years. It is absolutely not their fault for the so called procedural violation in the Constitution of the Selection Committee. Admittedly, it is the Government, by way of notification, which constituted the Selection Committee.**

11. **Taking note of the above observations and reasons, we set aside the impugned judgment of the High Court confirming that of the Tribunal. The private appellant(s) are held entitled to continue with their service and the direction to the State authorities to prepare a fresh selection list stands quashed. Needless to state that the order of the Tribunal also stands set aside.**

12. **The appeals stand allowed, accordingly.**

13. **Pending application(s), if any, shall stand disposed of.**

……J.
[M.M. SUNDRESH]

……J.
[PRASANNA B. VARALE]

NEW DELHI;
30th SEPTEMBER, 2026

ITEM NO.106 COURT NO.3 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

Civil Appeal No(s). 12977/2025

GIRIJAKANTA ROUT **Appellant(s)**

VERSUS

ORISSA ADMINISTRATIVE TRIBUNAL & ORS. **Respondent(s)**

WITH
C.A. No. 12979/2025 (XI-A)
IA No.36136/2024-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

C.A. No. 12978/2025 (XI-A)
IA No.29181/2024-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

Date : 30-09-2026 These appeals were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE M.M. SUNDRESH
HON'BLE MR. JUSTICE PRASANNA B. VARALE

For Appellant(s) **Mr. Shubhranshu Padhi, AOR**
Mr. D Girish Kumar, Adv.
Mr. Pranav Giri, Adv.
Mr. Jay Nirupam, Adv.
Mr. Ritik Sharma, Adv.

Mr. Prakash Ranjan Nayak- 2126, AOR
Mr. Somkeerti V Singhdeo, Adv.
Mr. Sanskar Singh Kirar, Adv.

For Respondent(s) **Mr. Shubhranshu Padhi, AOR**
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Mr. Pranav Giri, Adv.
Mr. Ritik Sharma, Adv.

Mr. Prakash Ranjan Nayak- 2126, AOR

Mr. Avijit Patnaik, Adv.
Ms. Shuvra Mohapatra, Adv.
Mr. Debasis Prusty, Adv.
Ms. Mohini Priya- 2977, AOR

Mr. Avijit Patnaik, Adv.
Mrs. Shuvra Mohapatra, Adv.
Mr. Debasis Prusty, Adv.
Mr. Anirudh Sanganeria, AOR

UPON hearing the counsel the Court made the following

O R D E R

The appeals stand allowed in terms of the signed order.

Pending application(s), if any, shall stand disposed of.

(SWETA BALODI) **(POONAM VAID)**
ASTT. REGISTRAR-cum-PS **ASSISTANT REGISTRAR**

(Signed order is placed on the file)