

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) No.230 of 2022, W.P.(C) No.22650 of 2020, W.P.(C)
No.22681 of 2020, W.P.(C) No.22688 of 2020, W.P.(C)
No.33716 of 2020, W.P.(C) No.35004 of 2020, W.P.(C)
No.8435 of 2021, W.P.(C) No.31226 of 2021,
W.P.(C) No.41892 of 2021 and
W.P.(C) No.9080 of 2022.

In W.P.(C) No. No.230 of 2022

<i>Kamala Kanta Das</i>		<i>Petitioner</i>
		<i>Mr. Sameer Kumar Das, Adv.</i>
		-versus-
<i>State of Odisha and Ors.</i>		<i>Opposite Parties</i>
		<i>Mr. R.N. Mishra, AGA</i>
		<i>Mr. P. K. Mohapatra, Adv.</i>
		<i>Mr. S.K. Nath, Adv.</i>
		<i>(for O.P.4)</i>

In W.P.(C) No.22650 of 2020

<i>Dr. Jyotiranjan Samal</i>		<i>Petitioner</i>
		<i>Mr. Sameer Kumar Das, Adv.</i>
		-versus-
<i>State of Odisha and Ors.</i>		<i>Opposite Parties</i>
		<i>Mr. R.N. Mishra, AGA</i>
		<i>Mr. Bibekananda Nayak, Adv.</i>
		<i>Mr. B.M. Bhuyan, Adv.</i>
		<i>Mr. N.K. Mishra, Adv.</i>

In W.P.(C) No.22681 of 2020

<i>Subodha Chandra Barik</i>		<i>Petitioner</i>
		<i>Mr. Sameer Kumar Das, Adv.</i>
		-versus-
<i>State of Odisha and Ors.</i>		<i>Opposite Parties</i>

Mr. R.N. Mishra, AGA

In W.P.(C) No.22688 of 2020

Pranati Barik Petitioner
Mr. Sameer Kumar Das, Adv.
-versus-
State of Odisha and Ors. Opposite Parties
Mr. R.N. Mishra, AGA

In W.P.(C) No.33716 of 2020

Sudhir Kumar Rout Petitioner
Mr. Sameer Kumar Das, Adv.
-versus-
State of Odisha and Ors. Opposite Parties
Mr. R.N. Mishra, AGA
Mr. R.C. Pradhan, Adv.
Mr. S. Roy, Adv.
Mr. K.K. Swain, Adv.
Mr. P.N. Mohanty, Adv.
Mr. J.R. Khuntia, Adv.
Mr. D.K. Mohapatra, Adv.

In W.P.(C) No.35004 of 2020

Kamala Kanta Das Petitioner
Mr. Sameer Kumar Das, Adv.
-versus-
State of Odisha and Ors. Opposite Parties
Mr. R.N. Mishra, AGA
Mr. Budhadev Routray, Sr. Adv.

In W.P.(C) No.8435 of 2021

Nityananda Nath Sharma Petitioner
Mr. Dillip Kumar Mohapatra, Adv.
-versus-
State of Odisha and Ors. Opposite Parties

Mr. R.N. Mishra, AGA
Mr. B.K. Mohanty, Adv.
Mr. D.N. Rath, Adv.
Mr. A.K. Saa, Adv.

In W.P.(C) No.31226 of 2021

Pranati Panda & Ors. Petitioners
Mr. Tapas Kumar Acharya, Adv.
-versus-

State of Odisha and Ors. Opposite Parties
Mr. R.N. Mishra, AGA
Mr. D.N. Rath, Adv.
Mr. Amit Ku. Saa, Adv.

In W.P.(C) No.41892 of 2021

Prasanta Kumar Rout Petitioner
Mr. Bibhu Prasad Nyak, Adv.
-versus-

State of Odisha and Ors. Opposite Parties
Mr. R.N. Mishra, AGA
Mr. Amit Kumar Saa, Adv.

In W.P.(C) No.9080 of 2022

Jaladhara Das Petitioner
Mr. Kunal Kumar Swain, Adv.
-versus-

State of Odisha and Ors. Opposite Parties
Mr. R.N. Mishra, AGA

CORAM:
DR. JUSTICE S.K. PANIGRAHI

Order
No.

ORDER
11.07.2022

8. 1. All the matters are taken up through hybrid mode.

2. Learned counsel for the parties are present. Judgment prepared in separate sheets is delivered and pronounced in open Court in the presence of learned counsel for the parties and the order is passed accordingly as follows:-

3. In the light of above discussions, and guided by the precedents narrated hereinabove, this Court hereby quashes Guidelines dated 31.08.2020 issued by the Department of Higher Education, Government of Odisha containing the mechanism for fixing the seniority of teachers of non-Government Colleges for the purpose of appointment of Principal and HODs and directive issued by the State Government whereby the inter se seniority was to be adjudged according to the date of birth. Consequently, the Government letter No.17 dated 01.01.2022/ Annexure-7 issued to the O.P. No.4 is also invalidated. It is further clarified that all the appointments of Principal-in-Charge made by following the Guidelines dated 31.08.2020 issued by the Department of Higher Education, Government of Odisha be made afresh by taking into consideration of date of entry into service as the basis for seniority. The O.P. No.1 is directed to come out with fresh guidelines accommodating the principle of seniority as enunciated

by the Supreme Court of India which is an integral part of our service jurisprudence. The Writ Petition is accordingly allowed. No order as to cost.

4. Accordingly, all the Writ Petitions are disposed of.

(Dr. S.K. Panigrahi)
Judge

BJ

