

IN THE HIGH COURT OF ORISSA AT CUTTACK

In W.P.(C) No.24479 of 2014

Dr. Sakti Ranjan Mishra *Petitioner*

Mr. Sameer Kumar Das, Adv.

-versus-

State of Odisha and Ors. *Opposite Parties*

Mr. H.K. Panigrahi, Adv.

(SAT (Cuttack)

Mr. Sidhartha Sankar Mohapatra, Adv.

Mr. J.K. Rath, Adv.

(for O.P.3)

CORAM:

DR. JUSTICE S.K. PANIGRAHI

Order

No.

ORDER

18.10.2022

13. 1. This matter is 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. From the conspectus of precedents stated hereinabove, it can be ascertained that administrative decisions pertaining to fixing the age of superannuation for employees of private unaided colleges is subject to the

authority of the Governing Body in that concerned institution. A writ petition directing the Governing Body of a private unaided educational institution to fix the age of superannuation to 60 years is devoid of element of public law as there is no public interest involved. Therefore, no direction can be issued to the Governing Body of a private unaided institution to make sweeping changes in its policies and make it similar to that of the Government. The private unaided institutions can only be regulated and scrutinized to the extent of ensuring proper academic standards, atmosphere and infrastructure and the prevention of mal-administration by those in charge of management.

4. Therefore, this Court is of the opinion that in absence of recommendations and their consequential incorporation through executive instruction or a statutory provision, a writ of mandamus directing the governing body of a private unaided institution to alter the age of superannuation is not maintainable before the Court. Since, the subject-matter is outside the domain of public law, the Court shall not delve into the merits of the case.

5. On the basis of merit, the plea raised by the Petitioner is not sustainable in law. Moreover, it must also be taken

note that the Writ Petition has been rendered infructuous due to lapse of time.

6. The Writ Petition is, accordingly, dismissed. There shall be no order as to costs.

(Dr. S.K. Panigrahi)
Judge

B.Jhankar

