

IN THE HIGH COURT OF ORISSA AT CUTTACK
CONTC No. 1018 of 2021

Sri Ganesh Chandra Kund

....

Petitioner

Mr. A. Pal, Advocate

-versus-

***Dr. Pawan Kumar Agarwal, Vice-
Chancellor, OUAT, Bhubaneswar
& Others***

....

Opposite Parties

Mr. Gouri Mohan Rath, Advocate

CORAM:
JUSTICE JASWANT SINGH
JUSTICE M.S. RAMAN

ORDER (Oral)

25.04.2022

Order No.

- 05.** **1.** This matter is taken up by virtual/physical mode.
- 2.** Alleging willful violation and disregard of the order dated 28th January, 2019 passed in WA No. 400 of 2017, the Petitioner has filed the afore-noted contempt against Vice-Chancellor of Orissa University of Agricultural and Technology, Bhubaneswar and two others. In the writ appeal vide order dated 28th January, 2019, it is recorded as a fact that the Petitioner, though worked for more than seventeen years as a Lecturer in Statistics on part time basis in the college of Fisheries, OUAT Rangailunda, Berhampur since 16th March, 2000 pursuant to an advertisement issued by OUAT on 14th May, 1999, his service has not been regularised. This Court in writ appeal though did not accede to the direction of the learned Single Judge for regularisation, as there was no vacancy of post of Lecturer or Associate Professor of Statistics in the concerned college, modified the order to the following extent:-

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“Be that as it may, since respondent No.1 has served for more than seventeen years, in the post of Part time lecturer in Statistics, we are of the opinion that his services should not be terminated to be filled up by another part time lecturer. So we quash the notification of 2008 because there is no vacancy for the same post. The O.U.A.T is directed to stop the stopgap arrangement and further directed to consult with the Government to create appropriate post and not to resort to part time appointment and/or contractual appointment. However, respondent No.1 shall continue in his post as long as he desires or he attains the age of superannuation. In case in the future any suitable post is created wherein he can be absorbed, his case shall be considered as per the Statute 49 of the O.U.A.T Statutes, 1966.

To the aforesaid aspects, the order passed by the Learned Single Judge is modified.”

3. The grievance of the Petitioner as is revealed from the contempt petition seems to be that the Board of Management, O.U.A.T., during the pendency of the writ petition, took steps for conversion of the post of the Assistant Professor in Hydrographic to the post of Assistant Professor of Statistics in its resolution No. 3857 dated 1st August, 2014, yet the approval has not been accorded.

4. This Court in the contempt has issued notice on 19th March, 2021 pursuant to which the show cause reply has been filed by the Opposite Parties through Registrar, O.U.A.T. on 9th March, 2022, stating therein that pursuant to order dated 28th February, 2019 passed in WA No. 400 of 2017, the Petitioner has been continuing as part time Lecturer and his service has not been terminated and in

obedience to the said order no steps are taken to replace him by another part time lecturer.

5. It is also affirmed in the said reply that basing on the decision of the 5th Deans Committee for accreditation of the College of Fishery, Rangeilunda, proposal has been sent to Government for creation of 24 additional teaching posts which also includes a post in Statistics vide letter No. 6449/UAT dated 31st March, 2021 of the Registrar, OUAT.

6. In view of the above statement of facts, this Court does not find any deliberate disobedience/willful violation by the Contemnors-Opposite Parties. Hence, the contempt proceeding is liable to be dropped.

7. Accordingly, the contempt petition is dismissed.

(Jaswant Singh)
Judge

(M.S. Raman)
Judge