

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.10034 of 2021

Kartik Prasad Jena

.... *Petitioner*
Mr. S.N. Patnaik, Adv.

-versus-

State of Odisha and Ors.

.... *Opposite Parties*
Mr. S.K. Samal. AGA

CORAM:

MR. JUSTICE S.K. PANIGRAHI

Order
No.

ORDER
27.05.2022

5. **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 counsels for the parties and the order is passed accordingly as follows:-
- 3.** In view of the above discussion and guided by the decisions of the Apex court and this High Court, the impugned remark completely lacks basis and prima facie does not indicate any specific omission and commission. The substantiation report completely fails to justify anywhere the reason for the reporting authority to write such adverse remark picking something from the graveyard of

whimsicality. Though this court is less empowered to substitute the opinion of the authority or question the subjective satisfaction which is by no means unfettered unless it leads to arbitrariness. In the present case, subjective satisfaction of the reporting officer seems to have dominated to shape the impugned remarks without reference to any specific substantiation. Guided by the submissions and perusal of documents, in the interest of justice, it is directed that the adverse CCR under Annexure-2 is hereby quashed and the Opp. Parties may be directed to reconsider the case of the Petitioner for his promotion to the post of Professor ignoring the adverse CCR under Annexure-2 and his case for promotion may be considered with all consequential service and financial benefits within a period of two months from today. सत्यमेव जयते

4. Accordingly, the Writ Petition is allowed. No order as to costs.

**(S.K. Panigrahi)
Judge**

BJ