

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.18456 of 2022

Prabasini Panda

....

Petitioner

Mr. Durgesh Narayan Rath, Adv.

-versus-

State of Orissa and Ors.

....

Opposite Parties

*Mr. D. Mund, AGA
(for O.P. Nos.1 to 5)*

*Mr. Kunal Kumar Swain, Adv.
(for O.P.6)*

*Mr. Saubhagya Swain, Adv.
(for caveater)*

CORAM:
DR. JUSTICE S.K. PANIGRAHI

ORDER
25.08.2022

Order (W.P.(C) Nos.18456 of 2022, 10671 of 2018, 11658 of 2018,
No. 8048 of 2021 and 31202 of 2021)

05. 1. These matters are taken up through hybrid arrangement.
2. Heard learned counsel for the Parties in all these Writ Petitions.
3. Since all the matters relate to appointment of Principal-In-Charge and reconstitution of Governing Body of

Dadhibaman Jew +3 Mahavidyalaya, Bahadajhola, in the district of Nayagarh, this Court feels it appropriate to pass common order in the leading case i.e. in W.P.(C) No.18456 of 2022.

4. In W.P.(C) No.18456 of 2022, the Petitioner seeks to quash the Office Order dated 15.07.2022 issued by the Opposite Party No.5/ Sub-Collector, Nayagarh removing her from the post of Principal-In-Charge and directing her to hand over the charges of office of Principal-In-Charge of Dadhibaman Jew +3 Mahavidyalaya, Bahadajhola, in the district of Nayagarh to the Opposite Party No.6/ Ashok Kumar Sahoo.

5. Learned counsel for the Petitioner submits that since the Opposite Party No.5/ Sub-Collector, Nayagarh has passed the impugned order having no jurisdiction, the impugned order cannot be sustainable. He further submits that Section 7 of the Orissa Education Act, 1969 (hereinafter referred to as "the Act" for brevity) prescribed the term of Governing Body of any private educational institution to be three years. Accordingly, the term of the Governing Body of the institution in question expired on 20.08.2018. Section 7-A of the Act prescribes supersession and reconstitution of the Managing

Committee or Governing Body. Section 7-A (3) prescribes as follows:

“During the period intervening the supersession or expiry of the term of a managing committee or governing body, as the case may be, and its reconstitution, the powers and functions of the managing committee or the governing body, as the case may be, shall be exercised by such person or persons as the prescribed authority may appoint.”

From the above provisions, it is clear that unless and until the Governing Body is reconstituted after expiry of the period of the Governing Body, the Prescribed Authority may appoint any person in order to manage the institution during the intervening period. Accordingly, the Additional District Magistrate, Nayagarh has been appointed as the Special Officer of the College to exercise the administrative and financial powers of the Governing Body until further orders or till reconstitution of the Governing Body of the College. However, the said Special Officer has not forwarded the proposal for reconstitution of Governing Body of the College to the Opposite Party No.3/ Regional Director of Education, Bhubaneswar.

6. In such view of the matter, the Office Order dated 15.07.2022 issued by the Opposite Party No.5/ Sub-

Collector, Nayagarh is quashed. The Special Officer i.e. the Additional District Magistrate, Nayagarh is directed to send a proposal for reconstitution of the Governing Body of the College to the Opposite Party No.3/ Regional Director of Education, Bhubaneswar within a period of one week from the date of receipt/ production of a copy of this order and the Opposite Party No.3/ Regional Director of Education, Bhubaneswar shall act upon to approve the Governing Body in accordance with law on the proposal to be submitted by the Additional District Magistrate, Nayagarh within a period of one month from the date of receipt of the said proposal. In the meantime, the Additional District Magistrate, Nayagarh is directed to appoint a Principal-In-Charge of the College looking into the seniority, honesty and integrity from any of the Lecturers of the said College within a period of ten days from the date of receipt/ production of a copy of this order.

7. Accordingly, the W.P.(C) No.18456 of 2022 is disposed of. Interim order passed earlier in W.P.(C) No.18456 of 2022 stands vacated.

8. Consequently, all the Writ Petitions are disposed of.

9. Urgent certified copy of this order be granted on proper application.

(Dr. S.K. Panigrahi)
Judge

B.Jhankar

