

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.32893 of 2022

Nihar Ranjan Swain

....

Petitioner

Mr. S. Roy, Advocate

-versus-

State of Odisha and others

....

Opposite Parties

Mr. B. Mohanty, ASC

CORAM: JUSTICE S.K. PANIGRAHI

ORDER

15.02.2022

Order No.

03. 1. The matter is taken up through hybrid mode.
2. The petitioner challenges his illegal retirement in the post of Librarian, Dinabandhu Sahu Law College, Kendrapara vide order dated 11.09.2021.
3. The petitioner joined the said Law College on 21.12.1987. The Governing Body of the College has been approved by the Government in the Department of Higher Education and they are governed under the Odisha Education (Establishment, Recognition and Management of Private Colleges) Rules, 1991.
4. The petitioner joined as a full time Librarian in the said College pursuant to the order in Annexure-1, which was approved by the Governing Body in its proceeding dated 18.07.1991. The President of the Governing Body vide his order dated 21.07.2019 was pleased to appoint the petitioner as the Librarian of the College. He further submits that the said Governing Body has resolved to extend the age of superannuation of both teaching and non-teaching staff of the College from 60 to 65 years. Accordingly, the

salary of both teaching and non-teaching staff of the College was enhanced by 15% from July, 2019.

5. In view of the aforesaid facts, it is quite evident that the resolution passed by the Governing Body has no legal force at all.

6. Learned counsel for the petitioner submits that the President of the College has illegally issued a letter on 11.09.2021 stating that since the date of birth of the present petitioner is 04.07.1961, and he is due for superannuation after completion of 60 years of age. He completes 60 years on 31.07.2021 and he has over stayed in service. In view of such facts, he is forced to retire from service.

7. Since the petitioner's College is governed by the statute, rules and regulations of the Department of Higher Education, Orissa, Bhubaneswar, the Governing Body cannot decide to enhance the age of retirement unilaterally without approval of the Government. Hence, this Court is not inclined to interfere with the order impugned.

8. The writ petition is dismissed.

(S.K. Panigrahi)
Judge

pcd