**IN THE HIGH COURT OF ORISSA AT CUTTACK**
**W.P.(C ) No.31963 of 2026**
**CNR No. ODHC010761552026**

**Dr.Sushree Sangeeta Kar** .... ***Petitioner***

*Mr. B.S. Tripathy, Sr. Adv along with Mr. A. Tripathy, Adv.*

*-versus-*

**State of Odisha & Others** .... ***Opposite Parties***

*Mr. S.P. Das, ASC*

**CORAM:**
**THE HON'BLE MR.JUSTICE BIRAJA PRASANNA SATAPATHY**

**ORDER**
**09.11.2026**

**Order No.**

**3.** 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical) Mode.

2. Heard learned counsel appearing for the parties.

3. Pursuant to order passed by this Court on 09.10.2026 and 02.11.2026, learned Addl. Standing Counsel produced the instruction so provided by Opp. Party No.3. The same be kept on record.

4. The present Writ Petition has been filed inter alia with the following prayer:

> *On the facts and circumstances stated above, your petitioner most humbly prays that this Hon'ble Court be pleased to;*
>
> *(i) quash the impugned order No.4251 dtd.16.02.2026 of the O.P. No.1 under Annexure-7 by holding the same as not only bad, illegal and contrary to law. but also discriminatory in nature on the ground that*

*similarly situated Doctors like the petitioner have already been allowed Voluntary Retirement on grounds similar to the petitioner, and thereby*

*ii) hold and declare that her Voluntary Retirement Application dt. 18.07.2024 is deemed to have been accepted by OP.No.1 w.c.f. 31.07.2024 and that petitioner is deemed to have been retired from Govt. service w.e.f. 31.07.2024 under Sub-Rule (1) of Rule 42 of OCS (Pension) Rules, 1992 read with proviso to Rule-71 of Orissa Service Code; and*

*direct the OP to immediately release in favour of the petitioner all her retiral dues including pension w.e.f. 01.08.2024;*

*iv) pass such other order(s) as deemed fit and proper in interest of justice and fair play;*

*And for which act of your kindness, the petitioner shall as in duty bound, ever pray.*

5. Learned Sr. Counsel appearing for the Petitioner while assailing the impugned order dtd.16.02.2026 so passed by Opp. Party No.1 under Annexure-7 contended that such an order could not have been passed, rejecting the Petitioner's application to take Voluntary Retirement, on the face of the order passed by this Court in the earlier Writ Petition in W.P.(C ) No.27272 of 2024, so disposed of on 16.12.2024 under Annexure-5. Learned Sr. Counsel appearing for the Petitioner contended that the only plea that has been taken by the Government that since there is dearth of Doctors in the State, Petitioner cannot be allowed to take Voluntary Retirement.

5.1. It is further contended that such plea taken by the State Government more particularly, dearth of Doctors in the State

has been deprecated by this Court on different occasions. But without following the direction and observation of this Court while quashing similar nature of rejection, in such orders, State Government is taking similar plea time and again. It is accordingly contended that since Petitioner submitted the application to take VRS in terms of the provisions contained under Rule-42 of the OCS (Pension) Rules, 1992 and under the said Rule, there is no such ground available, which has been taken in the impugned order, while rejecting the Petitioner's claim to take VRS, the impugned order needs interference of this Court and with quashing of the same, Opp. Party No.1 be directed to accept the VRS application of the Petitioner so submitted on 19.07.2024 under Annexure-3.

6. Mr. S.P. Das, learned Addl. Standing Counsel on the other hand basing on the materials available on record and the instruction received from Opp. Party No.3, contended that since the State is facing acute shortage of Doctors, the State is not in a position to allow the prayer of the Petitioner to take VRS. It is accordingly contended that, no interference is called for by this Court to the impugned order.

7. Having heard learned counsel appearing for the parties and considering the submission made, it is found that challenging the earlier rejection of the Petitioner's claim, so passed on 17.09.2024 under Annexure-4, Petitioner was before this Court in W.P.(C ) No.27272 of 2024. This Court while quashing order dtd.17.09.2024 under Annexure-4 vide its order under Annexure-5 directed Opp. Party No.1 to take a fresh decision with regard to the Petitioner's claim, taking note of the

provisions contained under Rule-42 of the 1992 Rules and the order passed by this Court on similar issue and so also similar claim allowed by the State. But it is found that without proper appreciation of the said order, Petitioner's claim to take VRS has again been rejected vide the impugned order dtd.16.02.2026 under Annexure-7.

7.1. In view of the aforesaid analysis and the fact that Petitioner's VRS application has been rejected once again on a ground which is not permissible in the eye of law and no such ground is provided under Rule-42 of the 1992 Rules, this Court is inclined to quash order dtd.16.02.2026 so passed by Opp. Party No.1 under Annexure-7. While quashing the said order, this Court directs Opp. Party No.1 to pass an appropriate order accepting the VRS application of the Petitioner so submitted under Annexure-3, as expeditiously as possible, preferably within a period of 4(four) weeks from the date of receipt of this order and communicate the same to the Petitioner.

8. With the aforesaid observation and direction, the Writ Petitions stands disposed of.

**(Biraja Prasanna Satapathy)**
**Judge**

sangita

Signature Not Verified
Digitally Signed
Signed by: SANGITA PATRA
Reason: authentication of order
Location: high court of orissa, cuttack
Date: 11-Nov-2026 16:59:36