



IN THE HIGH COURT OF ORISSA AT CUTTACK

WP(C) No.2497 of 2026

Adwaita Prasad Mallik

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Petitioner

Represented by Adv. –
Mr. Subir Palit, Senior
Advocate along with Mr.
Bijaya Kumar Behera 1

-versus-

State of Odisha and others

.....

Opposite Parties

Represented by Adv. –
Mr. S.K. Parhi, ASC

CORAM:

THE HON'BLE MR. JUSTICE ADITYA KUMAR MOHAPATRA

ORDER

28.01.2026

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard Mr. Subir Palit, learned Senior Counsel appearing for the Petitioner as well as the learned counsel appearing for the State-Opposite Parties.
3. By filing the present writ petition, the Petitioner calls in question the conduct of the Sub-Collector-cum-President of the Governing Body, Chitalo Degree Mohavidyalaya, Jajpur dated 07.01.2026 whereby the Petitioner has been placed under suspension as well as the consequential office order dated 09.01.2026 regarding seizure of the Bio-metric attendance of the Petitioner and withdrawal of all the powers of the departmental



activities of the Petitioner by the Principal In-charge of above noted college.

4. Learned Senior Counsel appearing for the Petitioner, at the outset, contended that in violation of the provisions contained in proviso to Rule-21(2) of the Orissa Education (Recruitment and Condition of Service of Teachers and Members of the Staff of Aided Educational Institutions) Rules, 1974, the Petitioner has been placed under suspension by the Opposite Party No.4. In the aforesaid context, learned Senior Counsel appearing for the Petitioner referred to a judgment of this Court by the Division Bench in *Adikanda Jena –Vrs.- State of Odisha and others*, reported in *1990 (1) OLR-234*. Learned Senior Counsel appearing for the Petitioner further contended that the OCS (CCA) Rules, 1962, particularly Rule-12 (2) thereof, is not applicable to the Petitioner as has been held by the Hon'ble Division Bench in the above noted judgment. Since Section-21(2) of the Orissa Education (Recruitment and Condition of Service of Teachers and Members of the Staff of Aided Educational Institutions) Rules, 1974 is applicable to the Petitioner, the case of the Petitioner is to be governed under the provisions contained in Rule-21 thereof. It was contended that since the order which is under challenge in the present writ petition has been passed in violation of the proviso to Rule-21(2) of the Orissa Education (Recruitment and Condition of Service of Teachers and Members of the Staff of Aided Educational Institutions) Rules, 1974, the impugned order is unsustainable in law.



5. Learned counsel for the State sought for a couple of days' time to obtain instruction in the matter.
6. Considering such submission, learned counsel for the State is granted time till 2nd February, 2026 to obtain specific instruction in the matter.
7. List this matter on 2nd February, 2026.

(Aditya Kumar Mohapatra)
Judge

Debasis