



**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**SUO MOTU W.P.(C) PIL No.2140 of 2020**

**Registrar (Judicial),  
Orissa High Court, Cuttack .... Petitioner**

*Er. N.K. Mohanty  
Amicus Curiae*

*Mr. Bijay Kumar Dash  
Amicus Curiae*

**-versus-**

**State of Odisha & others .... Opp. Parties**

*Mr. Manoj Kumar Mishra  
Senior Advocate  
President, OHCBA*

*Mr. Avijit Pattnaik  
Advocate  
Secretary, OHCBA*

*Mr. Debasis Nayak-A  
Addl. Govt. Advocate &  
Advocate for C.M.C.*

*Mr. Partha Sarathi Nayak  
Addl. Govt. Advocate*

**CORAM:**

**JUSTICE S.K. SAHOO**

**JUSTICE V. NARASINGH**



**ORDER**  
**11.07.2025**

This matter is taken up through Hybrid arrangement (video conferencing/physical mode).

261.  
11.07.2025

Mr. Avijit Patnaik, learned Secretary of the Orissa High Court Bar Association has filed a memo along with the consolidated list of Advocates' Committee, which is taken on record.

Er. N.K. Mohanty, learned Amicus Curiae has submitted a detailed report on water logging problem of Cuttack Town, which is taken on record. Copy of the same has also been served on the learned counsel for the State.

***(S.K. Sahoo)***  
***Judge***

***(V. Narasingh)***  
***Judge***

**S.C.B. MEDICAL COLLEGE AND HOSPITAL**  
**PROBLEMS**

**Order No.**  
262.  
11.07.2025

**(i) Procurement of 3T MRI machine**  
**for Neuro Surgery Department:**

On 19.06.2025, when this matter was taken up, Prof. (Dr.) Goutam Kumar Satpathy, Superintendent, SCBMCH, Cuttack filed an affidavit wherein it is stated that most of the hardware have



been supplied to the SCBMCH, Cuttack and the installation work will be accomplished by the end of June 2025 as intimated by the HoD concerned.

Dr. Poma Tudu, I.A.S., Managing Director, OSMCL has also filed an affidavit in this connection stating therein that such machine shall be delivered at SCBMCH, Cuttack on 21.06.2025.

Prof. (Dr.) Goutam Kumar Satpathy, Superintendent, SCBMCH, Cuttack has filed an affidavit dated 09.07.2025 wherein it is stated that all the components of 3T MRI machine have been supplied to the SCBMCH, Cuttack on 25<sup>th</sup> June, 2025 and since the installation and functioning of the machine involves manifold process, it will take more time to accomplish the installation of the machine most probably by the end of August, 2025 as suggested by the technical team at the site from the supplier. The affidavit is taken on record.

List this matter on 04.09.2025.

Learned counsel for the State shall apprise this Court about the installation of 3T MRI machine for Neuro Surgery Department on the next date.

**(S.K. Sahoo)**  
**Judge**

**(V. Narasingh)**  
**Judge**



**(ii) Functioning of Hematology Department in S.C.B.M.C.H., Cuttack:**

An interim application vide I.A. No.11440 of 2025 has been filed for a direction to ensure functioning of the Hematology Department of S.C.B.M.C.H., Cuttack wherein it is stated that the Govt. has created infrastructure in the hospital for surgery of bone marrow, however, due to non-availability of Professor, the bone marrow surgery has been stopped. One news item published in the New Indian Express dated 31<sup>st</sup> May 2025 under the heading of **STATE'S ONLY FREE BMT SERVICE AT SCB ON 'DEATH BED'** has been annexed to the interim application.

In this connection, Mr. Avijit Patnaik, learned Secretary of the Orissa High Court Bar Association has filed news items published in the vernacular dailies i.e. 'The Samaj' and 'The Sambad', which are taken on record.

Ms. Aswathy S., I.A.S., Health Secretary, Govt. of Odisha appearing through virtual mode stated that one Associate Professor and two Assistant Professors are posted at the Haematology Department at SCBMCH, Cuttack and all three of them are technically qualified to conduct the bone marrow transplant. However, since they were saying



that they have always only assisted the Professor, who just retired, they wanted some confidence building measures by working under a Professor of Haematology for some time so that they have hone their skills, which will give them the necessary confidence to conduct transplants independently. She further stated that the Department have already shortlisted and have got consent Dr. Prabodh Kumar Das, who has retired from AIIMS, for supervising Haematology bone marrow transplant at SCBMCH, Cuttack and he has already given his willingness to be an honorary mentor for the team at SCBMCH so that the Department will be able to start the transplant immediately and instruction in this regard is also given to the Superintendent of SCBMCH, who will also be doing the needful. She further stated that in the meantime, this very urgent measure has also raised another issue, which is very pertinent in medical sector, medical education service and training, that is the Professors apart from their responsibility on the clinical side, also have to take up the responsibility for mentoring their colleagues, their younger colleagues in the Department so that continuity is ensured. Detailed guidelines are being prepared to ensure that they will also do mentoring so that retirement or transfer do not affect the



specialized treatment. She further stated that a Committee has been constituted to issue detail SOPs in this regard so that mentoring by Professors will also be adequately addressed. She further stated that though Dr. Das is willing to join immediately, however, looking at the screening of the patients, Medical Superintendent of SCBMCH, Cuttack can fix the date and can avail the expertise of Professor Dr. Das in this regard. She further stated that the Department has proposed to enter into institutional partnership with best institutions in the country for all transplant related operations at SCBMCH, Cuttack and in other medical colleges so that institutional tie up and mentoring of faculty is possible and currently, such proposal is awaiting Government approval. Once the approval is received, the Department will also take up the same at the earliest. She further stated that any date the medical superintendent will fix for restarting and rescheduling the transplantation etc., it will be ensured that the expert supervision is available.

The Superintendent, S.C.B.M.C.H., Cuttack and the Health Secretary shall file affidavits in this respect by next date relating to the proper functioning of Haematology Department.



Put up this matter on 07.08.2025.

**(S.K. Sahoo)**  
**Judge**

**(V. Narasingh)**  
**Judge**

**(iii) Online registration of O.P.D. patients:**

A website of Department of Health and Family Welfare (<https://eswasthya.Odisha>) is available for online registration of OPD patients in different Govt. hospitals of the State which includes SCBMCH, Cuttack; Acharya Harihar Cancer Institute, Cuttack and District Headquarters Hospital, Cuttack.

The patient's appointment date, visiting department, OPD timing and details of the patient are to be uploaded online for registration. It is mentioned therein that this facility can be availed up to 15 days in advance from the date of visit.

The Nodal Officer of this Court has obtained instruction that for the month of June, 2025, the online OPD registration in SCBMCH, Cuttack is 20919 with an average of 697 per day and so far as Acharya Harihar Cancer Institute, Cuttack is concerned, the online registration is 264.



Let necessary steps be taken for online registration of the OPD patients in Sishu Bhawan, Cuttack as well. And, availability of such online registration facility should be widely circulated in print and electronic media, display boards to be placed in the hospitals at vantage points regarding availability of such facility for public awareness. The website shall indicate the names of Professors and Doctors who would be in charge of the OPD on a particular day. It is expected that if public awareness is enhanced on this aspect, the queue of the patients waiting for hours together for registration would be reduced.

List this matter on 11.09.2025.

A specific affidavit relating to this issue shall be filed by the Health Secretary by the next date.

**(S.K. Sahoo)**  
**Judge**

**(V. Narasingh)**  
**Judge**

**BSWC Drain of Cuttack**

263.  
11.07.2025

During the course of hearing the issue relating to BSWC drain of Cuttack, this Court perused the affidavit filed by the Deputy Secretary to Government on



behalf of Principal Secretary to Government, Housing and Urban Development Department which involves project of Rs.3,35,42,18,857.00.

Certain disturbing aspects came to the fore while going through the affidavit filed on behalf of the Principal Secretary to Government, Housing and Urban Development Department. The affidavit reveals that since no action was taken in terms of the meeting held on 07.12.2023 under the Chairmanship of EIC, OWSSB in connection with scrutiny of the proposal "Construction of five major storm water drains in Cuttack City", a reminder was sent on 17.02.2024.

For convenience of reference the said letter dtd. 17.02.2024 is extracted hereunder:-

Government of Odisha  
Housing & Urban Development Department  
3rd floor, Kharavel Bhavan, Unit-V, Bhubaneswar, PIN:751001  
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File No.: HUD-FUND-MISC-0025-2023      Letter No.: 3865      Date: 17.02.2024

From  
Sri Pradipta Kumar Mohapatra,  
Chief Engineer-cum-Additional Secretary to Govt.,  
H&UD Deptt. & ILW, CMC

To  
The City Engineer,  
Cuttack Municipal Corporation

Sub:- Administrative Approval for the work, 'Construction of five major storm water drains of Cuttack city'.

Ref:- Your letter No. 6012/(Pw) dated 12.09.2023.

Sir,

In inviting a reference to the subject cited above, I am directed to say that, in the meeting held on dt. 07.12.2023 at 4.00 PM in the 2nd floor Conference Hall of UNNATI Bhawan under the Chairmanship of EIC, OWSSB in connection with scrutiny of the proposal : "Construction of five major storm water drains in Cuttack city", the engineers of CMC had been instructed to submit the Checklist as per Works Deptt. OM No. - Codes-306-17427W, dt.03-10-2006 at the earliest. But no such response has been received from your end till now.

You are, therefore, requested to look into the matter and ensure submission of the compliance as per the technical observations made in the meeting to the Department for taking further necessary action.

*True copy attached*  
Deputy Secretary to Govt.  
H & UD Department

This may be treated as **Most Urgent**.

Yours faithfully,  
*[Signature]*  
17.02.2024  
Chief Engineer cum-Additional Secretary to Govt.

Memo No. 3865 /HUD., dtd. 17.02.2024

Copy submitted to the Engineer-in-Chief, OWSSB for kind information & necessary action.

*[Signature]*  
17.02.2024  
Chief Engineer cum-Additional Secretary to Govt.

*True copy attached*  
Deputy Secretary to Govt.  
H & UD Department



While scrutinizing the DPRs submitted by the CMC vide letter dated 30.01.2025 from the Chief Engineer-cum-Additional Secretary addressed to the Commissioner, CMC, the shortfalls in the DPRs were noted and the said DPRs were returned for compliance of the shortfalls mentioned therein.

The shortfall which are startling are that there was no authentication of DPR nor names of the Officials associated for preparation of DPRs were incorporated therein. And, it is curious to note that in the subsequent meeting held on 30.04.2025, the City Engineer was represented by M/s Vision Tek, Patia, Bhubaneswar. There was nothing on record to indicate as to how M/s Vision Tek, Patia, Bhubaneswar could represent a Government official and what was the role assigned to the said M/s Vision Tek.

Vide letter dated 30.05.2025 which was addressed to the Municipal Corporation, CMC by the Government in Housing & Urban Development Department by the C.E.-cum-Additional Secretary to Government, there was specific proposal to get the DPR vetted by IIT Bhubaneswar. The relevant paragraph of the said letter is extracted hereunder for convenience of reference.

"xxx

xxx

xxx

I am directed to enclose a copy of the Minutes of the Technical Review Meeting held on 30.04.2025 regarding the DPR for the construction of 5 Nos. of BSWC for Cuttack Municipal Corporation, conducted in the office chamber of the Chief Engineer-cum-Additional



Secretary, H & U D Department. Necessary compliance to the observation may please be ensured.

**Since the proposed drain will carry storm water from the town and discharge into the main drain, it is critically important to confirm the adequacy of the system in terms of its capacity, hydraulic characteristics, and slope to ensure smooth discharge. In this regard, the hydraulic design be vetted by IIT Bhubaneswar, which possesses the necessary expertise in hydraulic analysis and has consent to do so.** On obtaining their validation and necessary compliance the estimate may please be revised and resubmitted for early approval with detail drawings.

xxx

xxx

xxx"

(Emphasized)

At this stage, when this Court asked the City Engineer to indicate a time frame for the DPR to be resubmitted to the Government, it is stated by him that M/s Vision Tek Consultancy Services Pvt. Ltd. has submitted same to the HOD, Civil Engineering Department, VSSUT, Burla, Rourkela.

It does not stand to reason, as to how the decision of the Government to utilize the expertise of the IIT Bhubaneswar keeping in view the specialized requirements was overlooked and the matter has been referred to the VSSUT, Burla. Such reference is borne out from the communication dated 17.06.2025 of the said M/s Vision Tek Consultancy Services Pvt. Ltd. which is



annexed as Annexure-7 to the affidavit filed by the Principal Secretary to Government, Housing & Urban Development Department.

The City Engineer during the course of hearing assures this Court that the DPR shall be submitted on 25.07.2025.

There is no explanation as to how the decision of the Government to seek the assistance of the IIT Bhubaneswar particularly taking into account the expertise in hydraulic analysis which is essential for the project of this nature can be set at naught and there is no material to apprise this Court on what basis the preparation of the DPR was assigned to a private player and what are its credentials in dealing with the hydraulic design and engineering which will have a key role in construction of the BSWC drains. As already noted, the cost of the project is to the tune of Rs.3,35,42,18,857.00 and the lackadaisical manner in which the entire project is being handled is tell-tale.

Hence, this Court calls upon Secretary, Housing & Urban Development Department to file an affidavit clarifying the position as to how the preparation of DPR was given to M/s Vision Tek Consultancy Services Pvt. Ltd., the background in which the decision to consult the IIT Bhubaneswar was not adhered to and the reason for assigning the work to VSSUT, Burla.

The affidavit shall indicate as to whether any departmental/administrative action is being



contemplated against the errant officials including an inquiry by the State Vigilance Authorities into the alleged wrong doing, if any, in handling of the Project in question which involves huge expenditure of public money and concerns the future of the Millennium City.

The affidavit of the Secretary, Housing & Urban Development Department be placed on record by 21.07.2025 and it should also indicate the time frame within which the entire exercise relating to BSWC drain shall be completed.

The City Engineer is directed to file an affidavit explaining the reasons as to why the preparation of DPR was assigned to M/s Vision Tek Consultancy Services Pvt. Ltd. and in the face of the Government decision to consult the IIT, Bhubaneswar services of VSSUT, Burla were requisitioned.

The affidavit in this regard shall also be filed by 21.07.2025.

List this matter on 06.08.2025.

**(S.K. Sahoo)**  
**Judge**

**(V. Narasingh)**  
**Judge**

**Conditions of Roads and Drains**

264.  
11.07.2025

Md. Shahzaj, Superintending Engineer, R & B Division, Cuttack appears through virtual mode.



The state of the city roads were pictorially depicted in the vernacular daily of the "Sambad" dated 11.07.2025 are taken on record. The news related to the conditions of the road of Khapuria, Gandarpur, Stadium Road, Mahanadi Bihar main road, Ghatakul Chhak, CMC main road, Khannagar, Khapuria Industrial area, Press Chhak, Upar Telenga Bazar and Nuapada.

It was stated at the Bar that the road conditions throughout the city are no better.

The members of the Bar also brought to the notice of the Court that the quality of the roads which repaired recently is appalling and have virtually become unmotorable.

The Chief Engineer, R & B Division and City Engineer are called upon to file individual affidavit to indicate the quality of roads in each of the Wards falling within their jurisdiction and the time frame within which the repair work will be carried out and shall also indicate what actions have taken against the errant contractors because of the dismal quality of such work.

Their affidavits should indicate as to whether there is any clause in the contract by which amounts from RA and final bill can be withheld as security to ensure future maintenance and if not to



take steps to incorporate the same. In order to arrest the squandering of the public money by unscrupulous contractors, a time frame must be incorporated in the contracts making them liable to undertake any repair during such timeline and in case of urgency, if such repairs cannot be made by the contractors, adequate provision should be made so as to recover the cost incurred on the said count from the said contractors.

The affidavit be filed by 31.07.2025.

List this matter on 07.08.2025.

**(S.K. Sahoo)**  
**Judge**

**(V. Narasingh)**  
**Judge**

**NEWS ITEM PUBLISHED IN DAILY NEWSPAPER  
RELATING TO CIVIC ISSUES OF CUTTACK  
CITY:ACTION TAKEN THEREON:**

265.  
11.07.2025

**Sanitation in schools:**

During the course of hearing, the news item published in vernacular daily "Prameya" dated 11.07.2025 under the heading of "**SAUCHALAYA NAHIN; GADA HOICHI ABARJANA**" relating to lack of washrooms facilities in Maria Bazar School, Kamalakanta Government High School and Nuabazar



High School was brought to the notice of the Court. The same is taken on record.

Mr. Debasis Nayak-A, learned Addl. Govt. Advocate shall obtain instruction and submit a report indicating the remedial measures taken.

The Secretary, School & Mass Education Department is called upon to file an affidavit indicating the basic facilities that are available in the Schools other than private across the city of Cuttack, inter alia, for providing clean and safe drinking water, separate washrooms for boys and girls etc.

Such affidavit shall be filed by 31.07.2025.

List this matter on 07.08.2025.

**(S.K. Sahoo)**  
**Judge**

**(V. Narasingh)**  
**Judge**