



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***

Mr. Manoj Kumar Mishra, Sr. Advocate
President, OHCBA
Mr. Bijay Kumar Dash, Senior Advocate
Amicus Curiae
Er. Mr. Nagendra Kumar Mohanty,
Amicus Curiae
Mr. Avijit Pattnaik, Advocate
Secretary, OHCBA

-versus-

State of Odisha & Others

.... ***Opp. Parties***

Mr. Debasis Nayak,
Additional Government Advocate &
Advocate for the CMC
Mr. Prasanna Kumar Parhi, DSGI

**CORAM:
JUSTICE K.R. MOHAPATRA
JUSTICE V. NARASINGH**

ORDER

26.02.2026

**Order No. 1. ISSUE RELATING TO DIFFERENTLY ABLED GIRLS
STUDENTS IN SHAILABALA WOMEN'S AUTONOMOUS
COLLEGE, CUTTACK**

- 398.** 1. These matters are taken up through hybrid arrangement
26.02.2026 (video conferencing/physical mode).
2. Although compliance report pursuant to order dated
18th December, 2025 has been filed by the Higher Education



Department, Govt. of Odisha but the same is not specific. It also appears that pursuant to the meeting dated 9th December, 2025 under the Chairmanship of Commissioner-cum-Secretary to Government, SSEPD Department, Odisha, several decisions were taken for the welfare of students with disabilities studying in Higher Educational Institution across the State. But it appears that no tangible developments have taken place in the meantime.

3. Regarding issues relating to differently abled girl students in Shailabala Women's Autonomous College, Cuttack, Mr. Kali Prasanna Mohapatra, Director, Higher Education informed that the process of installation of lift is in progress. The construction of toilets for PwD girl students has already been initiated.

4. Mr. Shahbaz, the Superintending Engineer (R & B) Division-1, Cuttack submits that the construction work for the PwD girl students of Shailabala Women's Autonomous College, Cuttack has substantially progressed and shall be completed by 31st March, 2026.

5. Mr. Nayak, learned Additional Government Advocate also prays for an adjournment to place on record the details of development in the meantime.

6. We have heard Mr. Kali Prasad Mohapatra, Director, Higher Education and Ms. Rajani Jani, Special Secretary,



representing the SSEPD Department. They seek some time for strict compliance of order dated 18th December, 2025.

7. Put up this matter on 12th March, 2026 as the first case. Compliance report shall be filed by 9th March, 2026.

8. The Commissioner-cum-Secretary, SSEPD Department, Government of Odisha shall appear either physically or through virtual mode on the said date along with DHE.

(K.R. Mohapatra)
Judge

(V. Narasingh)
Judge

2. **STATUS OF ROAD WORKS UNDERTAKEN BY THE
CMC AMOUNTING TO RS.2 LAKHS OR LESS**
&
8. **CMC ROAD SURVEY**

399.
26.02.2026

1. Mr. Nayak, learned Additional Government Advocate, submits that he shall provide details of works done as well as the schedule of dates for the visit of the Advocate's Committee to different wards. He shall also provide contact number of the concerned Junior Engineers (CMC), Cuttack and shall co-ordinate the visit of the Advocate's Committee of the concerned area.

2. Details of the schedule shall be provided by 9th March, 2026.



3. Put up this matter on 12th March, 2026.

(K.R. Mohapatra)
Judge

(V. Narasingh)
Judge

3. **KRUSHAKA BAZAR**

400.
26.02.2026

1. Affidavit submitted by the Secretary, Regulated Market Committee, Kendupattna, Cuttack is taken on record. Copy of the same is served on Mr. Nayak, learned Additional Government Advocate as well as the members of the Advocate's Committee.

2. Mr. Choudhury, learned member of the Advocate's Committee, also submitted a report, which shows the sorry state of affairs at the Krushaka Bazar. The said affidavit is taken on record.

3. Taking note of the report submitted by Mr. Choudhury, learned member of the Advocate's Committee, this Court directs the DCP, Cuttack to ensure that no vendors sit along the roadside of the Krushaka Bazar, in and around Krushaka Bazar.

4. Vide order No.377 dated 18th December, 2025, this Court directed the City Engineer, CMC, Cuttack to submit a report regarding the state of the drains in and around the



vicinity of the Krushaka Bazar and also the nature of the encroachments.

5. The Commissioner, CMC who is present virtually assured to file such affidavit by 9th March, 2026.

6. Put up this matter on 12th March, 2026.

(K.R. Mohapatra)
Judge

(V. Narasingh)
Judge

4. **ISSUES OF SCBMCH, CUTTACK**

i) **INSTALLATION OF DIGITAL DISPLAY BOARDS**

401-A.
26.02.2026

1. It is submitted that installation of digital display board giving real time information regarding availability of medicines in the Niramaya Centres in the vicinity of the hospital, forms part of Ayushman Bharat Digital Mission.

The scheme will be implemented in Odisha after obtaining necessary approvals.

2. Steps taken in seeking such approval shall be placed before this Court by way of affidavit on or before 23rd of March, 2026.



3. Put up this matter on 26th of March, 2026.

(K.R. Mohapatra)
Judge

(V. Narasingh)
Judge

ii) **LIVER TRANSPLANTATION**

401-B.
26.02.2026

1. Mr. Nayak, learned Additional Government Advocate informs the Court that after AIG Hospital, Hyderabad declined to renew the MoU with SCBMCH with regard to minor liver surgeries as well as liver transplant, the State Government initiated communication with MGM Chennai to approve the technical support to conduct liver transplant at SCBMCH.

2. It is informed that the matter is pending at the highest level of the government since 10.12.2025.

3. Taking into consideration the wait list of the patients for liver transplant and other minor surgeries, this Court expects that a decision on the proposal submitted on 10.12.2025 in the above subject matter shall be taken by 15th of March, 2026.

4. Put up this matter on 26th March, 2026, on which date Mr. Nayak, learned Additional Government Advocate shall



apprise the court about the developments by filing an affidavit of the competent officers.

(K.R. Mohapatra)
Judge

(V. Narasingh)
Judge

iii) **OPEN HEART SURGERY IN THE CTVS DEPARTMENT**

401-C.
26.02.2026

1. Mr. Nayak, learned Additional Government Advocate on instruction submits that a team of faculties of SCBMCH, Cuttack had visited Kottayam, Kerala on 10.02.2026 for an exposure visit related to Open Heart Surgery and Heart Transplant Programme. The observation report submitted by the team is presently under examination in the Department. He, however, submits that the follow up action pursuant to the visit dated 10.02.2026 shall be intimated to this Court by 31st of March, 2026.

2. Put up this matter on 9th of April, 2026.

(K.R. Mohapatra)
Judge

(V. Narasingh)
Judge

iv) **INTERDEPARTMENTAL COORDINATION**

401-D.
26.02.2026

1. Relating to interdepartmental Coordination, learned Additional Government Advocate, Mr. Nayak placing reliance



on the instructions received from the Commissioner-cum-Secretary to Government under the Health & Family Welfare Department dated 23.02.2026 submits that necessary instruction in this regard have been imparted to all the medical colleges and tertiary care institutions in the State to ensure “seamless patient care and optimal utilization of available resources”.

Such instructions relates to the following aspects;

- i. Monitoring of 24x7 Duty Roster
- ii. Night Duty Management
- iii. Anaesthesia Department-Emergency Care
- iv. Attendance Monitoring and Biometric Compliance
- v. Monthly Death Audit
- vi. Inter-Departmental Management in Emergency
- vii. Monthly Departmental Coordination Meeting
- viii. Rational Deployment of Nursing & Paramedical Staff

Dr. Satpathy, the Medical Superintendent, SCBMCH, Cuttack undertakes to file a compliance report supported by affidavit by 31st of March, 2026.

2. Put up this matter on 9th of April, 2026.

(K.R. Mohapatra)
Judge

(V. Narasingh)
Judge



v). **MAINTENANCE OF HYGIENIC CONDITIONS IN THE CENTRAL KITCHEN.**

401-E.
26.02.2026

1. It is submitted at the Bar that an air curtain has been fixed at the entrance of the Central Kitchen of SCBMCH, Cuttack.
2. Learned Advocates' Committee suggests that another air curtain should be fixed at the entrance of the kitchen section to prevent dust and flies entering to the kitchen.
3. Affidavit of the Superintending Engineer, R&B Division, Cuttack, Mr. Shahbaz, pursuant to Order No.378-E dated 05.02.2026 is taken on record. Copy of the same is served on the learned Advocates' Committee.
4. It is submitted by Mr. B. Dash, learned Senior Advocate and member of the Advocates' Committee along with Mr. Mishra, learned Senior Counsel, President of the Orissa High Court Bar Association that they undertook a surprise visit of the premises of SCBMCH, Cuttack on 05.02.2026 at about 9.30 P.M. pursuant to the Order No.378-E dated 05.02.2026 and on the way they also visited the Central Kitchen of SCBMCH, Cuttack.
5. Report of surprising visit of the Advocates' Committee be submitted by 10th of March, 2026, after serving a copy thereof on the learned counsel for the State.
6. Response, if any, to such report and corrective measures so taken shall be submitted by the Superintendent,



SCBMCH, Cuttack on or before 23rd of March, 2026 after serving a copy thereof on the representative of the Advocates' Committee.

5. They discussed with the staffs and manager present there who suggested to install another air curtain on the entrance of the kitchen section of the central kitchen.

6. They also suggested to visit the central kitchen again with Mr. Shahbaz, the Superintending Engineer, R&B Division-1, Cuttack in day time and will submit a report to this Court.

7. Mr. Shahbaz, the Superintending Engineer, R&B Division-1, Cuttack also undertakes to submit a report with regard to requirement as well as feasibility of installing another air curtain on the entrance section of the Central Kitchen.

8. Put up this matter on 26th of March, 2026.

(K.R. Mohapatra)
Judge

(V. Narasingh)
Judge

5. **BSWC DRAINOF CUTTACK**

402.
26.02.2026

1. Mr. D. Mohanty, the Managing Director of Water Corporation of Odisha (WATCO) filed an affidavit enclosing



the objections raised by the IIT, Bhubaneswar pursuant to preliminary report on scrutiny of DPRs.

Relevant portion of the affidavit are reproduced hereunder;

“3. That, as regards the response of WATCO to the said report it is submitted here that on perusal of the preliminary report of Indian Institute of Technology (IIT) Bhubaneswar, it has been observed that several comments have been made regarding the structural as well as hydraulic designs, which necessitate re-survey and compliance with the observations. Accordingly, Water Corporation of Odisha (WATCO) initiated the re-survey on 16.02.2026 and the same has been completed on 22.02.2026 including a drone survey. Based on the survey report, the revised hydraulic design is presently under progress by WATCO and is expected to be completed by 06.03.2026.

4. That, the revised hydraulic report will be submitted by 07.03.2026. After vetting of the hydraulic design by IIT Bhubaneswar, the structural design will be taken up immediately by WATCO, as the structural design is entirely depend on the finalization of hydraulic characteristics.”

2. The enclosures to the affidavit shall form part of this orderⁱ.

3. It is submitted by Mr. Mohanty, the Managing Director of Water Corporation of Odisha (WATCO) that on scrutiny of the preliminary report submitted, the IIT, Bhubaneswar has flagged several issues. Accordingly, as per suggestion of IIT, Bhubaneswar, WATCO initiated resurvey on 16.02.2026 and



the same was completed on 22.02.2026 including a drone survey. Based on the survey report, preparation of the revised Hydraulic design is being undertaken by WATCO and is expected to be completed by 6th of March, 2026.

4. It is further submitted that after vetting of the Hydraulic design by the IIT, Bhubaneswar, revised structural design shall be submitted to IIT, Bhubaneswar.

5. On receiving the approved structural design, corrective estimate will be made and tender process for construction shall be started.

6. Dr. Sarkar and Dr. Halidar, IIT Bhubaneswar appearing through virtual mode submitted that on submission of the Hydraulic design by 6th March, 2026, approval thereof suggesting modification, if any, shall be finalized by 12th of March, 2026 and handed over to the WATCO.

7. Mr. Mohanty, the Managing Director of Water Corporation of Odisha (WATCO) stated that the structural design in consultation with Dr. Sarkar and Dr. Halidar, IIT Bhubaneswar shall be submitted by WATCO by 31st of March, 2026. Experts of the IIT Bhubaneswar assure this Court that final structural design shall be handed over WATCO by 15th April, 2026.

8. An affidavit by WATCO indicating the progress shall be submitted by 20th April, 2026.



9. Put up this matter on 23rd of April, 2026.

(K.R. Mohapatra)
Judge

(V. Narasingh)
Judge

6. **BOX DRAIN WORK UNDER THE RAILWAY
OVERBRIDGE NEAR MATRUBHAWAN**

403.
26.02.2026

1. Mr. N.K. Mohanty, learned Amicus Curiae submitted a report of progress of work relating to the box drain under the railway over bridge near Matrubhawan as on 25.02.2026. The said report is taken on record.

2. Mr. Kaibalya Panda, learned CGC is present in Court.

3. Mr. Ankit Varma, Senior Divisional Engineer, Mr. Suneet Kumar, Senior Divisional Operation Manager and Mr. S. Mondal, Additional Divisional Railway Manager are present.

4. It is submitted by Mr. Mohanty, learned Amicus Curiae that the Railway authorities will complete the work by 31st of May, 2026 and assured this Court that the work will be completed within the stipulated time i.e. 31st of May, 2026.



5. Put up this matter on 25th of June, 2026.

(K.R. Mohapatra)
Judge

(V. Narasingh)
Judge

S.S. Satapathy

i

7

Comments on the DPR of Drain 3L, 3R, 4R, 5R and 6R

Comments on Structural Design on Drain 3L, 3R, 4R, 5R and 6R

- The design calculation shall be in line with IS 3370, Part 1 (2021), IS 3370, Part 2 (2021), IS 456 (2000), IS1893, Part 1 (2025), IS1893 – Part 2 (2019)
- Allowable bearing capacity calculation needs correction. Bearing capacities are calculated from shear failure criteria and settlement consideration point of view in accordance with IS 6403 and IS 8009 (Part 1) respectively. The net allowable bearing pressure is the least value of bearing capacity arrived at based on the shear failure criteria and the stress intensity required to happen allowable settlement.
- Load cases shall be evaluated with all the detailed calculations. Such as depth of tank, free board etc. shall be written clearly in the design document.
- Live load on top slab has been considered as 15 kPa. Basis of the same must be written clearly in the design document. Where vehicular loading is permitted on the top slab of the drain, the load shall be evaluated in accordance with IRC:6.
- Soil load on the projected part of the raft shall be estimated and applied.
- Hydrodynamic load due to earthquake in a box drain arises because, during seismic excitation, the water inside the drain does not move rigidly with the structure and develops inertia forces. As a result, an additional pressure known as hydrodynamic pressure is exerted on the structural elements of the drain. This pressure acts horizontally on the side walls and vertically on the base slab. Detailed seismic load calculation shall be incorporated. Estimation of hydrodynamic component of earthquake load shall be taken into account. Estimation of the same shall be given the design document.
- Some load combinations are missing. Additional load combinations considering Fluid load and hydrodynamic load due to earthquake shall be accounted for as per IS 3370 – Part 2 (2021), Table 2 both for Limit State of Collapse and Limit State of Serviceability
- The reinforcement design shall be verified for the governing load combinations. In some instances, checks have been performed using individual load cases (e.g., LL or EQ) in isolation, which do not realistically represent the actual design conditions.
- Requirement of shear reinforcement shall be checked with design shear strength of concrete as per Table 19 of IS 456, not with maximum shear stress of concrete as per Table 20.
- Crack width due to temperature and moisture effects in immature concrete – For crack width calculations, the direct tensile strength of immature concrete shall be adopted from Table 7 of IS 3370 (Part 2):2021. The specified value of f_{ct} is 1.6 MPa; however, a value of 4.43 MPa has been used in the calculation. Additionally, the characteristic strength of reinforcing steel shall be taken as 500 MPa, not 550 MPa. Accordingly, the crack width calculations shall be revised.
- Crack width in mature concrete – Crack width shall be evaluated in accordance with Annex B of IS 3370 (Part 2) and checked under the combined effects of flexure and direct tension.



- Bearing pressure check – The bearing pressure unit has been stated as kN, whereas the calculation has been carried out in kPa. The bearing pressure should be verified against the allowable bearing capacity, ensuring consistency in units.
- The design calculations include nodal displacement results, but compliance with code-specified allowable deflection limits has not been evaluated. Hence, it needs more clarity. It shall be checked according to IS 456 (2000), Cl. 23.2.1

Comments on Hydraulic Design on Drain 3L, 3R, 4R, 5R and 6R

- The hydraulic design calculation for the conversion of maximum 1 day rainfall to 1 hour rainfall seems inconsistent. These should be rechecked.
- The detailed design calculation for the Gumbel's method should be included in the detailed design reports.
- The design reports presently mention same time of concentration for all drainage areas. As an example, the present report of Drain 4R shows a 5 ha drainage area has same time of concentration of 30 minutes with that of another drainage area of 0.14 ha. The basis for assuming the time of concentration as 30 minutes or else for other drains should be included in the detailed design reports.
- The weighted runoff value should be calculated on the basis of LULC. Presently a value of 0.75 is considered without showing any calculation in the detailed design reports.
- The detailed designs considered the catchment areas without including the delineation details. The delineation details of the catchment must be included in all the detailed design reports.
- Mention all relevant provisions of codes used in the detailed designs like Manning coefficient, time of concentration, return period, etc.
- Check and verify the design discharges of all drains with respect to the design discharge of the already constructed Main Drain.
- There is no mention of the basis for the runoff estimation in the detailed design reports. The calculations towards the runoff estimation and the provisions used for the same should be included in the detailed reports.
- During the site visit, it was evident that the present discharge of the drain 6R is directly discharged into the Kathajodi River without any treatment, although the drain being a storm water drain. The detailed design report of the drain 6R also propose a cross section and alignment towards the same. Hence, the drain 6R should be redesigned so that the discharge is ultimately to the already constructed main Drain instead of the River Kathajodi.