



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. Lalatendu Samantaray, Sr. Advocate
President, OHCBA
Mr. Bijay Kumar Dash, Senior Advocate
Amicus Curiae
Er. Mr. Nagendra Kumar Mohanty,
Amicus Curiae

-versus-

State of Odisha & Others

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

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

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

**ORDER
09.04.2026**

Order No. RECONSTITUTION OF COMMITTEE(S) TO ASSIST THE COURT

411.
09.04.2026

On account of new office bearers being elected and assuming charge of the Orissa High Court Bar Association, the Secretary of Orissa High Court Bar Association is requested to submit a fresh list of learned counsel to represent each of the 59 wards coming under Cuttack Municipal Corporation.



They are also called upon to submit the names of members of the committee consisting of maximum five numbers including two lady members to assist this Court relating to the issues pertaining to SCBMCH, Cuttack and Sardar Vallabhbhai Patel Post Graduate Institute of Pediatrics and issues in connection with and arising out of the concerns relating to the health sector.

The civic issues relating to Cuttack Municipal Corporation shall be entertained only through the aegis of Advocates' Committee representing the ward(s)/residents welfare committees.

To ensure ease of conducting the proceeding and to address multifarious issues plaguing Cuttack city that need to be addressed in the present PIL, this modality is adopted. It is needless to say that the same can be suitably modified taking into account, on the strength of inputs from the stake holders.

This Court would be failing in its duty if it does not place on record its deep sense of appreciation for the assistance rendered by the members of the Advocates' Committee of different wards led by learned Senior Counsel Mr. Manoj Kumar Mishra and Mr. Avijit Pattnaik, Ex-President and Secretary of the Orissa High Court Bar Association respectively as well as, for the invaluable efforts of Mr. Bijay Kumar Dash, learned Senior Counsel and Ex-President of the Orissa High Court Bar Association as also Er. Mr. N.K. Mohanty, learned



member of the Orissa High Court Bar Association as Amicus Curiae(s).

This Court has no iota of doubt that as and when this Court requires their assistance/guidance, they will ungrudgingly extend the same, in furthering the interest of the man on the street, whose voice is more often than not, goes unheard.

In this regard, this Court looks forward to the continuing proactive cooperation of State functionaries, the learned counsels appearing for the Union of India and State Government, CMC and other wings of State or State owned organizations.

Secretary, Orissa High Court Bar Association shall submit the list of the counsels as aforesaid in terms of this order by 15th of April, 2026, in sealed cover.

(K.R. Mohapatra)
Judge

(V. Narasingh)
Judge

**ILLUMINATION OF STREET LIGHTS/STREET LIGHTS
NOT FUNCTIONING AND ISSUE RELATING TO TRAFFIC**

Order No.

412.
09.04.2026

1. These matters are taken up through hybrid arrangement (video conferencing/physical mode).
2. It is submitted that 70 nos. of LT lines Poles in Ward No.55 i.e. from Kanheipur Primary School to



Bhadimula on Mahanadi river embankment road have been erected and all the street lights in the said stretch have become functional.

3. Learned Members of the Advocates' Committee are called upon to submit their response regarding the aforesaid claim.

4. So far as other street lights and traffic lights etc. are concerned, members of the Advocates' Committee of all the wards are called upon to verify functioning thereof and a report in the said regard relating to all the wards shall be submitted by the next date.

5. Put up this matter on 14th of May, 2026.

(K.R. Mohapatra)
Judge

(V. Narasingh)
Judge

ISSUE OF SCBMCH, CUTTACK

i) OPEN HEART SURGERY IN THE CTVS DEPARTMENT

413-A.
09.04.2026

1. The Commissioner-cum-Secretary, Health and Family Welfare Department, Government of Odisha, Ms. Aswathy S. (IAS), who appears through virtual mode, assures the Court that she will have a discussion with the Managing Director, Odisha State Medical Corporation Limited (OSCML) and apprise the Court about the date by



which the construction of Modular OTs be completed in all respects.

2. Put up this matter on 7th May, 2026.

(K.R. Mohapatra)
Judge

(V. Narasingh)
Judge

ii) **INTERDEPARTMENTAL COORDINATION**

413-B.
09.04.2026

1. This court is appraised that pursuant to order dated 401-D dated 26th February, 2026, a meeting was convened on 13th March, 2026 involving all the heads of Medical Department of the SCBMCH. In the said meeting, the following decisions are taken:-

“a) It has been instructed to all clinical Professors and HODs to prepare duty list of the concerned departments in due consultation with Medical Superintendent.

b) It is also been reiterated that either one SR/Asst. Prof. or both from department of cardiology and medicine are to remain present at non trauma casualty from 5 pm to 9 am.

c) As per the directives and guidelines of the H & FW Department, Govt. of Odisha, all Asst. Prof. and Professors/HODs of clinical departments must be available over telephone of emergencies.

d) One Assistant Prof. ideally must be available and remain duty at all items post OPD hours for effective patient care coordination and smooth discharge of duty.



e) *The duty list from all the departments must reach the office of the Medical Superintendent by email or hard copy.*

f) *One Asst. Prof of each clinical department must be designated as night duty manager on monthly basis with intimation to the office of Medical Superintendent.*

g) *It has been further emphasized that death audit/review meeting is to be initiated by all departments in a meticulous manner.*

h) *As discussed and decided, biometric attendance system of all faculties are to be reviewed and evaluated by the Dean and Principal.*

i) *In case of any equipment machineries lying idle/obsolete or unused at any clinical department that item is to be shifted other department under the approval of the Medical Superintendent.*

j) *It has also been discussed and decided that the Medical Superintendent can divert and change or depute Nursing Officer interdepartmentally in order to achieve optimum patient care and treatment.*

k) *It has also been emphasized that Infection Controlling Nurse (ICN) will do auditing at (Labour Room) LR, SNCU and OT. All HODs will coordinate and cooperate during this assessment period.*

l) *All HODs to comply and furnish report regarding Non-OPD days to patient care with information intimation to Medical Superintendent.”*

2. The designated committee of the learned counsel dealing with issues relating to hospitals to be constituted on the basis of orders passed on this day shall apprise this Court regarding the effectiveness of the proposed measures and suggest any corrective steps to be taken to augment the interdepartmental coordination.



3. Further orders shall be passed on receipt of report of the Advocates' Committee.

(K.R. Mohapatra)
Judge

(V. Narasingh)
Judge

iii) **ONLINE REGISTRATION OF OPD PATIENTS**

413-C.
09.04.2026

1. The matter shall be taken up on 23rd April, 2026.

(K.R. Mohapatra)
Judge

(V. Narasingh)
Judge

IV) **NIGHT SHELTERS FOR PATIENT & RELATIVES**

413-D.
09.04.2026

1. It is submitted by the learned Additional Government Advocate, pursuant to order No.405-A dated 12th March, 2026, the auto stand near the SCBMCH Medical Campus is being utilized for distribution of food by the NGOs.

2. Deputy Commissioner, Sanitation, CMC apprised the Court that the said place is being cleaned regularly and a Sanitation Inspector is being deputed to oversee the cleaning of the place.



3. Random surprise checking of the quality of food being distributed be undertaken by the health official of CMC. Communication be issued to the NGOs by District Administration to maintain the quality of food.

Steps taken in this regard shall be placed on record to be considered on the next date, 30th of April, 2026.

(K.R. Mohapatra)
Judge

(V. Narasingh)
Judge

413-E.
09.04.2026

V) **LIVER TRANSPLANTATION**

1. Ms. Aswathy S. (IAS), the Commissioner-cum-Secretary of the Health & Family Welfare Department, Odisha has apprised this Court that Government has approved the empanelment of MGM Chennai for conducting liver transplant, Lungs Transplant, Heart Transplant, Kidney Transplant and Bone Marrow Transplant. The MoU shall be signed shortly.

Follow up steps taken in this regard be placed on record by 4th of May, 2026.



2. Put up this matter on 7th of May, 2026.

(K.R. Mohapatra)
Judge

(V. Narasingh)
Judge

413-F.
09.04.2026

VI) PROCUREMENT OF 2 SETS OF HIGH-QUALITY EQUIPMENT AND INSTRUMENT FOR EACH OT

1. Regarding procurement of 2 sets of high-quality equipment and instrument for each OT, it is stated that proposal has been sent by HoD, CTVS to DMET Odisha vide Letter No.653 Dt.14.11.2024 and the tender process has already been initiated and details regarding the same shall be placed on record by the OSMCL by 4th of May, 2026.

2. Put up this matter on 7th of May, 2026.

(K.R. Mohapatra)
Judge

(V. Narasingh)
Judge



413-G.
09.04.2026

VII) ESTABLISHMENT OF DEDICATED CARDIAC ANAESTHESIA UNIT

1. This Court is apprised that in the meanwhile two ECMO Anesthetists have joined and Ms. Aswathy S. (IAS), the Commissioner-cum-Secretary of the Health & Family Welfare Department informs this Court that efforts are on to engage qualified man power on contractual basis, so as to meet the urgent needs.

2. Put up this matter on 7th of May, 2026.

(K.R. Mohapatra)
Judge

(V. Narasingh)
Judge

413-H.
09.04.2026

VIII) RECRUITMENT OF TWO TEAMS OF CARDIOTHORACIC SURGEON TEAM, CARDIAC ANAESTHESIOLOGIST AND PARAMEDICAL STAFF

1. Ms. Aswathy S. (IAS), the Commissioner-cum-Secretary of the Health & Family Welfare Department intimates that the department plans to operationalize two Cardiothoracic Surgery (CTVS) units comprising Cardiothoracic Surgeons, Cardiac Anesthesiologists and supporting paramedical staff.



2. And, it is brought to the notice of this Court that currently one unit is operational and regarding second unit, Assistant Professor Dr. Siba Shankar Kar has already been recruited and one post of assistant professor is to be filled up and two CTVS ECMO Anesthetists are available on contractual basis and the Finance Department has been moved for creation of additional posts in super-specialty department in various medical colleges of the State including CTVS and the progress made in this regard shall be placed on record by 4th of May, 2026.

3. On the said date, the Commissioner-cum-Secretary of the Health & Family Welfare Department and Secretary Finance Department are called upon to remain present in the proceeding either virtually or in person.

4. Put up this matter on 7th of May, 2026.

(K.R. Mohapatra)
Judge

(V. Narasingh)
Judge

IX) FIRE SAFETY MEASURES IN HOSPITALS

413-I.
09.04.2026

1. Mr. Sudhanshu Sarangi, IPS Director General, Fire and Emergency Services, appeared virtually.

2. The editorial published in the English daily, the Hindu dated 19.03.2026 is taken on record. The special



measures required to be taken in respect of ICUs as published in the said daily is extracted hereunder;

“xxx

xxx

xxx

ICUs have intrinsic safety risks, as their oxygen-rich environment can turn even a spark into an inferno. ICUs are also packed with electrical equipment, and the personnel are not always well trained in their safe handling. State-of-the-art medical equipment comes with advanced electronics and variable frequency drives that generate what are called “harmonic currents.” These currents flow within circuits and typically have no safety devices such as circuit breakers. Harmonics create silent, persistent overheating and insulation degradation and are a severe fire hazard. Today’s electrical practice demands that every time a new ventilator is wheeled into an ICU, the wiring, protection, and load capacity must be re-evaluated. Older facilities need an electrical upgrade before cutting-edge equipment can be installed. As patients in ICUs are often sedated, intubated, and connected to machines, staff must be trained to ensure their safe evacuation.

xxx

xxx

xxx”

3. It is apt to note that by order dated 16.07.2024 in W.P.(C) No.18657 of 2015 this Court took note of status of progress of work of installation of fire fighting system in all building of SCBMCH, Cuttack.

4. Mr. Sudhanshu Sarangi, Director General, Fire and Emergency Services who gave valuable inputs during the deliberation, is requested to place the same on record by



way of affidavit and also indicate regarding the measures taken in terms of the earlier order of this Court dated 16.07.2024 by the next date by 04th of May, 2026.

5. Put up this matter on 17th May, 2026.

(K.R. Mohapatra)
Judge

(V. Narasingh)
Judge

X) FUNCTIONING OF TRAUMA CARE CENTRE

413-J.
09.04.2026

1. It is brought to the notice of this Court by Ms. Aswathy S. (IAS), the Commissioner-cum-Secretary of the Health & Family Welfare Department, Odisha as well as Dr. (Prof.) Jyotish Chandra Choudhury, Superintendent, SCBMCH, Cuttack that new trauma ICU located in department of surgery is likely to be become functional by 25th of April, 2026.

2. It is also brought to the notice of this Court that at present the needs of trauma patients requiring intensive care are being addressed by respective department ICUs like Orthopedic, neurosurgery etc.

3. Learned AGA, Mr. Nayak shall apprise this Court regarding the progress made in the judicial inquiry instituted to look into the fire incident in the trauma ICU of SCBMCH which resulted in unfortunate death of 12 patients.



4. Learned Additional Government Advocate is called upon to convey the concern of this Court that the ongoing judicial inquiry ought not to be a road block for restoration work to commence of the trauma care ICU of SCBMCH, gutted in fire.

(K.R. Mohapatra)
Judge

(V. Narasingh)
Judge

**SARDAR VALLABHBHAI PATEL POST GRADUATE
INSTITUTE OF PAEDIANTICS-SISHU BHAWAN**

i) OPEN DRAIN IN SHISHU BHAWAN

414-A.
09.04.2026

1. Pursuant to Order No.404-A dated 12.03.2026, a compliance report is submitted wherein, it is indicated that the unauthorized encroachment over the municipal drains from Sishu Bhawan has been removed and cleared on 18.03.2026 and 24.03.2026. However, the construction of internal drains is being executed by the CMC, shall be completed by September, 2026.

2. During the course of execution of internal drain work, some portions of existing old toilets of residential quarters which would obstruct the drain alignment shall be removed. After completion of the said drain work, the internal drain water will be smoothly discharged into Municipal main drain, located outside.



3. Mr. B. K. Dash, learned Senior Counsel seriously disputes the same and produces some photographs which are taken on record and submits that no encroachment has yet been removed and the report submitted is an eyewash.
4. In view of the competing claims, this Court feels it proper to direct the learned Deputy Registrar (Protocol) and learned Assistant Registrar (Administration) of this Court to inspect the area and submit a report in a sealed cover by 15th of April, 2026 which shall be considered on 16th April, 2026.
5. Registry is requested to do the needful.
6. The Deputy Commissioner of Police, Cuttack is directed to provide adequate police protection to the officials of the High Court at the time of inspection.
7. Put up this matter 16th of April, 2026.

(K.R. Mohapatra)
Judge

(V. Narasingh)
Judge

ii) **TRANSPORTATION INSIDE SISHU BHAWAN**

414-B.
09.04.2026

1. It is submitted by Mr. Nayak, learned Additional



Government Advocate that a sum of Rs.26 lakhs has been placed with the Sishu Bhawan for obtaining two numbers of battery operated ambulances and one of six seater battery operated E-gulf cart for commutation of patients and the attendants inside the campus of Sishu Bhawan, as per the specifications provided by the Superintendent of Sishu Bhawan.

2. Dr. (Prof.). Mishra, Superintendent of Sishu Bhawan submits that since funds have already been placed by NALCO, tenders have been floated on 13.04.2026. The aforesaid battery operated vehicles shall be purchased by 15.05.2026.

3. This Court places on record its deep sense of appreciation for the initiative taken by Mr. Manoj Kumar Mishra, learned Senior Counsel to obtain the aforesaid battery operated vehicles from NALCO.

4. The empathy shown by the NALCO is laudable. Extract of this order be sent to the learned Senior Counsel, Mr. Mishra and the Managing Director, NALCO.

5. Registry is requested to take necessary follow up steps.

(K.R. Mohapatra)
Judge

(V. Narasingh)
Judge



SATYABRATA STADIUM

415.
09.04.2026

1. Upon hearing learned Senior Counsel Mr. P.K. Parhi, DSGI and Mr. Dibishada Brajasundar Garnayak, Superintendent of ASI, Puri circle, it appears that order No.410 dated 26.03.2026 has not yet been complied. However, learned Senior Counsel Mr. Parhi, DSGI prays for 7 days time for compliance of the order No.410 dated 26.03.2026.

2. In view of the above, this Court adjourns the matter to be listed on 23rd of April, 2026, by which date the compliance report of Order No.410 dated 26.03.2026 shall be filed by Mr. Garnayak, Superintendent of ASI, Puri circle.

3. In course of deliberation Mr. Garnayak, Superintendent of ASI, Puri circle submitted that necessary permission/NOC shall be granted to the Cuttack Municipal Corporation for cleaning/putting of fresh bio-toilets in the premises of Satyabrata Stadium.

4. The WATCO shall make a survey of Satyabrata Stadium to provide drinking water. In the meantime the CMC shall make temporary arrangements to provide drinking water at Satyabrata Stadium.

5. The Collector, Cuttack, Mr. Shinde Dattatraya Bhausahab, IAS, who joined the proceeding is called upon



to place on record the revised DPR, which has been submitted to ASI, by the next date.

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

(K.R. Mohapatra)
Judge

(V. Narasingh)
Judge

S.S.SATAPATHY