



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. H.N.Mohapatra, Advocate
Secretary, OHCBA

-versus-

State of Odisha & Others

.... *Opp. Parties*

Mr. Debasis Nayak,
Additional Government Advocate &
Advocate for the CMC
Mr.Soumik Spandan Tripathy, Advocate for OSMCL

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

ORDER
07.05.2026

These matters are taken up through hybrid arrangement
(video conferencing/physical mode).

Order No.

432
07.05.2026

At the outset, this Court seeks to place on record its displeasure in the matter of compliances submitted by the Government Departments, CMC and CDA notwithstanding earlier directions fixing timelines for submission of response. The same are being followed in its breach. Since such



compliances in almost all the issues of which this Court is seized are submitted on the date when the matter is listed, response thereto cannot be submitted by the stakeholders including Advocates' Committee.

Consequently, matters are getting adjourned resulting in waste of precious time of this Court.

2. It is with dismay this Court borrows from Eliot that between the order and compliance "falls the shadow" (T.S. Eliot: The Hollow Men) of incorrigible apathy.

3. Therefore, this Court is constrained to direct that henceforth if the affidavits/instructions to be submitted in compliance of the orders passed by this Court are not furnished by the timelines fixed, the concerned official shall remain present in person physically along with such instructions, to assist in the dispensation of justice.

4. Registry shall communicate this order to the Chief Secretary, Odisha to impart necessary instructions.

5. This order also be communicated to the Commissioner, CMC, Vice-Chairman, Cuttack Development Authority.

(K.R. Mohapatra)
Judge

(V. Narasingh)
Judge



ISSUES OF SCBMCH, CUTTACK

i) INSTALLATION OF DIGITAL DISPLAY BOARDS

Order No.

433-A
07.05.2026

1. Pursuant to Order No.409-A dated 26th March, 2026, this Court directed to apprise the Court about the developments in the meantime by filing an affidavit by a Competent Officer.

2. The Commissioner-cum-Secretary, Health and Family Welfare Department, Government of Odisha, Ms. Aswathy S. (IAS), who appears through virtual mode, submits that installation of digital display boards are integral part of the Ayushman Bharat Digital Mission. She further submits that in the interim a proposal has been moved to the Finance Department for permission to allow outsourcing of manpower and approval is awaited for engagement of two support associates for real-time upgradation of the of the digital display board system exclusively in accordance with Finance Department Memorandum No.21719 dated 24th July, 2025.

3. The Additional Secretary, Finance Department, Mr. K.C. Satapathy, who appears through virtual mode submits that proposal submitted by the Health and Family Welfare Department for engagement of two support associates for real-time upgradation of the digital display system shall be taken within a period of ten days and be intimated to the Health and Family Welfare Department accordingly.



4. Mr. Nayak, learned Additional Government Advocate, however, submits that a comprehensive affidavit shall be filed in that regard for appraisal of this Court.

5. Let the affidavit be filed within a period of ten days hence serving copy thereof to the Secretary, Orissa High Court Bar Association.

6. Put up this matter on 9th July, 2026.

(K.R. Mohapatra)
Judge

(V. Narasingh)
Judge

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

433-B
07.05.2026

1. Pursuant to order No.413-A dated 9th April, 2026, Mr. Nayak, learned Additional Government Advocate submitted a copy of the written instruction imparted by the Health and Family Welfare Department. The written instruction is reproduced herein below:-

“Procurement of 2 sets of high-quality equipment and instrument for each OT:

In compliance to the direction of the Hon'ble Court for the procurement of 2 sets of high-quality equipment and instruments for the Operation Theatre (OT) of the CTVs Department, it is submitted that the HoD, CTVS, SCB MCH, Cuttack had forwarded a proposal vide Letter No. 653 dated



14.11.2024 to DMET, Odisha for procurement of critical high-end equipment.

Based on the said proposal, two number of equipment i.e. Heart Lung Machine and Inhaled Nitric Oxide (INO) Delivery System are being procured. The procurement process for the above equipment has already been initiated by OSMCL.

It is further submitted that the tender for procurement of Heart Lung Machine has been opened on 23.04.2026 and has resulted in a single bid participation. The technical & commercial evaluation of the single bid is under process and if the bid is found to be qualified, the proposal will be placed before the High Level Procurement Committee (HLPC). Based on the recommendation of the HLPC, the single bid will be approved for placement of Work Order or will be processed for retender. The tentative timeline for issuance of Purchase Order is 25.05.2026.

For the Inhaled Nitric Oxide (INO) Delivery System, the scheduled date for bid opening is 08.05.2026. After bid evaluation, the tentative timeline for issuance of Purchase Order is 25.05.2026.”

2. In view of the instruction imparted by the Health and Family Welfare Department, the matter stands adjourned to be listed on 9th July, 2026 on which date Mr.Nayak, learned Additional Government Advocate shall apprise the Court about the developments.

(K.R. Mohapatra)
Judge

(V. Narasingh)
Judge



iii) **LIVER TRANPLATION**

433-C.
07.05.2026

1. Pursuant to order No.413-E dated 9th April, 2026, the Health and Family Welfare Department imparted written instruction which is reproduced herein below:-

“In compliance with the direction of the Hon'ble Court, it is respectfully submitted that the Memorandum of Understanding (MoU) with MGM, Chennai was signed on 16th April, 2026. Pursuant thereto, the expert team from MGM has already undertaken a visit to SCB Medical College & Hospital, Cuttack, and a joint inspection of the existing facilities has been carried out. During the visit, two potential cases have been identified, subject to compatibility and matching, and it is tentatively planned that one case may be taken up in the fourth week of the current month.

It is further submitted that preparatory steps are being undertaken to operationalize the required infrastructure. The equipment is being readied and is expected to be in place by the end of May. During the visit of DMET, it was observed that certain facilities, lying unused for a considerable period, require minor repair and refurbishment; the matter has accordingly been taken up with the Works Department for expeditious action. Simultaneously, efforts are being made to ensure that requisite fire safety mechanisms are put in place in accordance with prescribed norms.

Further, the process for organizing training of medical and support staff is underway, including retraining of existing personnel. It has been decided that estimates for the required works and arrangements shall be obtained within 15 days. Additionally, during the conduct of such surgeries, provision shall be made for deployment of additional manpower exclusively to oversee fire safety and compliance measures.



2. Mr. Nayak, learned Additional Government Advocate undertakes to produce the list of patients awaiting liver transplantation in SCBMCH, Cuttack. It is, however, indicated in the written instruction that one case of liver transplantation shall be undertaken in the 4th week of this Month.

3. Put up this matter on 25th June, 2026 on which date Mr. Nayak, learned Additional Government Advocate shall apprise the Court about the developments in the meantime.

(K.R. Mohapatra)
Judge

(V. Narasingh)
Judge

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

CONSTRUCTION OF MODULAR OTS

433-D
07.05.2026

1. Health and Family Welfare Department in their written instruction has stated as under:-

“It is submitted that, in compliance with the order of the Hon'ble Court regarding ensuring availability of facilities for open heart surgery in the CTVS Department, the construction of modular Operation Theatres (OTs) is being undertaken through the Works Department on a turnkey basis for all Govt. medical colleges. At present there are two CTVS Operation Theatres, which are functional in SCB MCH, where cardiac surgeries, including open



heart procedures are being conducted regularly. Further, it is observed that in the existing hospital building, there is no adequate & alternate space available for execution of additional 02 Nos. of modular OTs.

It is further submitted that, under the ongoing SCB redevelopment project, provision has been made for shifting the entire CTVS Department to the CN-3 Tower, which is presently under construction. The proposed facility includes four Nos. of state-of-the-art modular Operation Theatres dedicated to CTVS. The executing agency, OB&CC (Odisha Bridge & Construction Corporation Limited), has submitted the progress and informed that the CN-3 Tower, along with the CTVS modular OTs, is likely to be completed and handed over by the end of February, 2027. Accordingly, the existing functional OTs shall continue to cater to surgical requirements during the interim period. Upon completion of the CN-3 Tower, the upgraded modular OT complex will significantly enhance both the capacity and quality of cardiac surgical services at SCB MCH.”

2. It is indicated in the written instruction that two modular OTs are in operation and after completion of the project of expansion of SCB Medical College and Hospital, two more modular OTs will be functional by February, 2027. Hence, no further order is required to be passed on this issue for the time being.

(K.R. Mohapatra)
Judge

(V. Narasingh)
Judge



v) ESTABLISHMENT OF DEDICATED CARDIAC ANAESTHESIA UNIT

(vi) RECRUITMENT OF TWO TEMAS OF CARDIOTHORACIC SURGON TEAM, CARDIAC ANAESTHESIOLOGIST AND PARAMEDICAL STAFF

433-E
07.05.2026

1. Ms. Aswathy S. (IAS), Commissioner-cum-Secretary, Health and Welfare Department apprises the Court that the process of creation of regular posts of Superspeciality in the superspeciality discipline is under process. A proposal of creation of additional Superspeciality posts has already been forwarded to Finance Department for necessary consideration.

2. The Additional Secretary, Finance Department, Mr. K.C. Satapathy, who joined through virtual mode, indicated that as many as 152 posts are required to be created throughout the State in all Medical College and Hospitals. The Finance Department is in seisin of the matter. Since the approval at the highest level is required, steps are being taken in that regard and it is expected that the same shall be done within a period of ten days.



3. Put up this matter on 9th July, 2026, by which date this Court expects completion of all the procedure stated above.

(K.R. Mohapatra)
Judge

(V. Narasingh)
Judge

vii) NIGHT SHELTERS FOR PATIENT & RELATIVES

433-F.
07.05.2026

1. Pursuant to order No.413-D dated 9th April, 2026, a surprise visit was conducted by the Food Safety Team of C.M.C. on 26th April, 2026 at 1.20 p.m. The staff of the NGOs, which were supplying food, were advised to wear gloves and headcap during distribution of food. They were also instructed to maintain proper cleanliness at the surrounding distribution area. However, no instruction has been imparted with regard to food quality being supplied to the patients and relatives by the NGOs.

2. Mr. Nayak, learned Additional Government Advocate and Counsel for the Cuttack Municipal Corporation submits that, a joint meeting is contemplated between the NGOs and District Administration to maintain the quality of food being supplied to the patients and their relatives.



3. Learned Members of the Advocate's Committee are directed to undertake a surprise visit to test the food being supplied by the NGOs and to evaluate the cleanliness of the area. A surprise visit by the Food Safety Team of C.M.C. be also done during evening hours.

4. Mr. Nayak, learned counsel for the C.M.C. undertakes to instruct the C.M.C. in that regard.

5. Put up on 25.06.2026.

(K.R. Mohapatra)
Judge

(V. Narasingh)
Judge

434.
07.05.2026

2) **SARDAR VALLABHBHAI PATEL POST GRADUATE**

INSTITUTE OF PAEDIANTICS-SISHU BHAWAN

i) **OPEN DRAIN IN SISHU BHAWAN**

1. Mr. Samantaray, learned Senior Advocate and President of the Orissa High Court Bar Association submits that, learned Advocate's Committee shall visit the premises of Sishu Bhawan in terms of order No.418 dated 16.04.2026 on 16th May, 2026. The City Engineer, C.M.C. is directed to assist the Advocate's Team in inspecting the Open Drain in the premises of Sishu Bhawan. He shall contact the Secretary of the Orissa High Court Bar Association and cooperate with the learned Advocate's Committee for smooth inspection of Open Drain in Sishu Bhawan.



2. Put up on 21st May, 2026 along with the report of learned Advocate's Committee.

(K.R. Mohapatra)
Judge

(V. Narasingh)
Judge

434-A.
07.05.2026

ii) **CONSTRUCTION OF A HIGH BOUNDARY WALL AROUND SISHU BHAWAN, CUTTACK**

1. Mr. Nayak, learned Additional Government Advocate places on record the copy of letter No.5630 dated 23.04.2026 issued by the Superintending Engineer, Cuttack (R&B) Division No.-I, Cuttack. In the said letter, it is indicated that construction of boundary wall from the west side (ring road side) has already begun and construction of boundary wall for a length of 102 mtrs. including foundation work has been completed. Similarly, construction of boundary wall for a length of 90 mtrs. in the north side (Judicial Academy side) including foundation work, column work and brick masonry work has been completed. The work will be completed by the end of June, 2026. The copy of the said letter is taken on record.

2. The Members of learned Advocate's Committee shall also inspect the developments of construction of High



Boundary Wall around Sishu Bhawan and submit their report on the next date.

3. Put up this matter on 30th July, 2026 on which date, Mr. Shahbaz, the Superintending Engineer, Cuttack (R&B) Division No.-I, Cuttack shall appear through virtual/physical mode and apprise the Court about the developments.

4. Mr. Nayak, learned Additional Government Advocate shall also apprise the Court about the developments in the meantime.

(K.R. Mohapatra)
Judge

(V. Narasingh)
Judge

435.
07.05.2026

**UNSAFE BUILDING IN CUTTACK CITY: ACTION
TAKEN THEREON**

I.A. No.8457 of 2026

1. This I.A. has been filed by the Management of St. Xavier's High School, Mission Road, Cuttack for intervention.

2. Mr. Bhuyan, learned Senior Counsel appearing for the intervenor-applicant submits that a report was submitted by Nodal Officer-cum-Additional District Magistrate, Cuttack stating that the school is functioning in an almost dilapidated



building and structural stability report of the said school building was not available.

3. It is submitted that after completion of the renovation work of the heritage building where Christ Collegiate School was functioning, the intervenor institution submitted an application to the Superintending Engineer (R&B) Division-1, Cuttack for structural stability report and pursuant to the suggestion vide his letter dated 13.04.2026 (Annexue-1/C), the management of the institution approached IIT, Bhubaneswar.

4. It is further submitted that no student has yet been admitted to the said institution. So the issue with regard to safety of the student does not arise at all.

5. He further submits that the management of the institution was called to have a deliberation with the Nodal Officer-cum-Additional District Magistrate, Cuttack. But at that point of time, the structural stability report was not available with the management as the audit of the building was going on. Hence, he submits that if an opportunity is provided, the management of the institution can produce all relevant documents as required by the District Administration to run the school.

6. Mr. Kamaljit Dash, OAS, the Nodal Officer-Additional District Magistrate, Cuttack, who joined on virtual mode suggested that a discussion relating to the issue of safety of the structure can take place with the management of the institution on 12.05.2026 at 3 P.M..



7. Accordingly, it is observed that the intervenor-applicant, if so advised, may appear before the Nodal Officer-Additional District Magistrate, Cuttack at 3 P.M. on 12.05.2026 and produce all the relevant documents with regard to the structural stability of the building. The DEO, Superintending Engineer (R&B) Division-1, Cuttack shall also be present on such deliberation.
8. With the aforesaid observations, the I.A. is disposed of.
9. List this matter on 21st of May, 2026.

(K.R. Mohapatra)
Judge

(V. Narasingh)
Judge

PARKS UNDER THE CDA AND CMC

436.
07.05.2026

1. Compliance report submitted by the Cuttack Municipal Corporation is taken on record.
2. The Commissioner, CMC shall appear on the next date either virtually or physically. The City Engineer, CMC, Additional Commissioner In- Charge of Park & Plantation, CMC, Assistant Commissioner, CMC and others officers concerned, who are responsible for maintenance of parks in Cuttack city shall remain present physically on the next date to appraise the Court about the conditions of the parks.



3. Put up this matter on 21st of May, 2026 for further hearing.

(K.R. Mohapatra)
Judge

(V. Narasingh)
Judge