



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.5397 of 2026

Indian Management and Technical Society, Bhubaneswar ***Petitioner***

Mr. Surya Prasad Mishra, Senior Advocate
assisted by Mr. Ramesh Kumar Agrawal, Advocate

-versus-

State of Odisha and another ***Opposite Parties***

Mr. Saswat Das, AGA for State and
Mr. Bibhu Prasad Tripathy, Senior Advocate
assisted by Mr. Parth Agrawal, Advocate for O.P. No.2

CORAM:
HON' BLE THE CHIEF JUSTICE
AND
HON'BLE MR. JUSTICE MURAHARI SRI RAMAN

ORDER
25.03.2026

Order No.

- 02.
1. The petitioner challenges the order dated 26th December, 2025 issued by the Mission Directorate, National Health Mission (NHM), Odisha declining to examine the representation in absence of any provision or the scope in the Request for Proposal (RFP) document.
 2. In other words, the said Mission Directorate refused to entertain the representation as the power is neither conferred nor vested upon it under the RFP.
 3. At the time of admission of the instant writ petition, we adjourned the matter on the submissions advanced by Mr. Bibhu Prasad Tripathy, learned Senior Counsel representing the opposite party No.2, to take instructions. Today, it is submitted by the learned Senior Counsel appearing for the opposite party No.2 that on the basis of a direction passed by the learned Single Judge of this Court in



relation to the other intending bidder, the Mission Director has considered the representation and disposed it of by recording elaborate and extensive reasons thereof.

4. The aforesaid disclosure of the facts leads to an inference that the Mission Director exercised the power in considering the representation though the representation submitted by the petitioner was rejected by the same authority on the premise of lack of authority emanating from the RFP. There appears to be an inconsistency and/or contradiction in usurping the power to consider the said representation as we feel that the authority must act fairly and uniformly in relation to all similarly circumstanced intending participants.

5. The inconsistent stands taken at the different stages corrode the fabric of the constitutional ethos, which ordained equal treatment and applicability of law equally and uniformly to all. We are unable to persuade ourselves that such power is exercised as the High Court directed to exercise such power whereas the power cannot be exercised in absence of any such direction passed by the Court. The aforesaid notion is opposed to uniformity and/or certainty in dealing with the situation and the circumstances and, therefore, this Court feels that the said Mission Director should have considered the said representation instead of nipping the same in bud on the ground of absence of any conferment of power in the RFP.

6. The order dated 26th December, 2025 is hereby quashed and set aside. The Additional Mission Director, NHM, Odisha is directed to consider the representation submitted by the petitioner on its own merit and shall dispose of the same within four weeks from the date of



communication of this order by recording proper reasons in accordance with law.

7. For abundant precaution, it is hereby made clear that this Court has no occasion to go into the merit or demerit of the contentions raised in the said representation and it is open to the said authority to take an independent decision without being influenced by any observations, accidentally or incidentally, made hereinabove touching upon the merit.

8. The writ petition is accordingly disposed of.

(Harish Tandon)
Chief Justice

(M.S. Raman)
Judge

M. Panda