



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.7147 of 2022

Dr. Ramesh Chandra Behera

Petitioner

Mr. D.N. Rath, Adv

-versus-

State of Odisha & Others

Opp. Party

Mr. P.K. Panda, ASC

COROM:

THE HON'BLE MR.JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

06.05.2026

Order No

- 4.** 1. This matter is taken up through Hybrid Mode.
2. Heard learned counsel appearing for the parties.
3. The present Writ Petition has been filed inter alia challenging initiation of the proceeding dt.16.02.2022 under Annexure-17 by Opp. party No.1.
4. Learned counsel appearing for the Petitioner contended that while continuing as a Medical Officer in PHC, Salchua in the district Mayurbhanj, Petitioner vide order dt.10.09.2019 under Annexure-1, was transferred and posted on promotion to the rank of Group-A (SB) as BPHO in CHC Ghatagaon. Pursuant to the order dt.10.09.2019, Petitioner joined as BPHO in Ghatagaon CHC on 16.09.2019 under Annexure-2. Thereafter, Petitioner was relieved to undergo the training at IIPH, Bhubaneswar vide order dt.16.09.2019 under Annexure-3 and after completing the training, Petitioner



rejoined in CHC, Ghatagaon on 12.11.2019 under Annexure-4. But, thereafter, Petitioner when was not handed over the charge for due discharge of his duty as BPHO and he made several applications with a prayer to handover the charge, the same was never considered and ultimately rejected vide order dt.08.02.2021 under Anexur-8, Petitioner challenging the same filed W.P.(C) No.11807 of 2021.

4.1. It is contended that even though Petitioner is discharging his duty w.e.f 08.11.2019 after completing the training, initiation of the proceeding with the charges as made, is not sustainable in the eye of law. It is also contended that because of the interim order passed by this Court on 07.04.2022, no further progress has been made to the proceeding.

5. Mr. P.K. Panda, learned Addl. Standing Counsel on the other hand contended that after his joining on 12.11.2019 under Annexure-4, when Petitioner did not discharge is duty regularly, the proceeding in question was initiated vide Memorandum dt.16.02.2022 under Annexure-17. It is contended that in stead of participating in the proceeding, since the present Writ Petition has been filed, challenging the initiation, the same is not maintainable in the eye of law.

6. Having heard learned counsel appearing for the parties, considering the submission made and since the



present Writ Petition has been filed challenging initiation of the proceeding, this Court is not inclined to interfere with the same.

6.1. However, since Petitioner is protected by an interim order so passed on 07.04.2022, this Court while disposing the Writ Petition permits the Petitioner to file his Written Statement of defence before Opp. party No.3 within a period of 4(four) weeks hence. On such filing of the Written Statement of defence, Opp. party No.3 shall dispose of the proceeding in accordance with law, in which this Court expresses no opinion.

6.2. However, it is observed that if Petitioner will not file his written statement of defence within the aforesaid time period, Opp. Party No.3 shall be free to proceed with the proceeding in accordance with law.

7. The Writ Petition accordingly stands disposed of.

(Biraja Prasanna Satapathy)
Judge

sangita

Signature Not Verified

Digitally Signed
Signed by: SANGITA PATRA
Reason: authentication of order
Location: high court of orissa, cuttack
Date: 22-May-2026 18:45:07

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