



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.4280 of 2015

Ajay Kumar Mohanty

....

Petitioner

Ms. Deepali Mahapatra, Advocate

-Versus-

State of Odisha & Others

....

Opposite Parties

Mr. S. Swain, AGA

Mr. P.K. Tripathy, Advocate
(Intervenor)

Mr. K.A. Guru, Advocate
(Intervenor)

CORAM:

MR. JUSTICE R.K. PATTANAIK

ORDER

03.09.2025

Order No.

13.

1. Heard learned counsel for the respective parties.
2. Instant writ petition is filed by the petitioner challenging the impugned notification as at Annexure-5 on the grounds stated.
3. Ms. Mahapatra, learned counsel for the petitioner submits that the reservation quota fixed has exceeded 50% and hence, the impugned notification i.e. Annexure-5 is legally untenable and therefore, the same liable to be quashed with a direction to the opposite parties and in particular, opposite party No.1 to issue a fresh one in order to facilitate election to the posts of office bearers of the Sambalpur Municipal Corporation.



4. Mr. Swain, learned AGA for the State, upon receiving instructions and referring to the counter affidavit, submits that the election to the Sambalpur Municipal Corporation may be held as per and in accordance with law considering the present scenario, as admittedly, it has been held up for about ten years.

5. The intervenors also demand for a fresh election and support the contention of the petitioner.

6. On a consideration of the materials on record, this Court finds that the impugned notification dated 23rd February, 2015 vis-à-vis election to be held in respect of the Sambalpur Municipal Corporation exceeded reservation of 50%, which is not permissible under law. Considering the submissions of Ms. Mahapatra, learned counsel for the petitioner and Mr. Swain, learned AGA for the State and since the election is unduly held up ever since 2015, this Court is of the view that a fresh notification issued is required to be issued by opposite party No.1 keeping in view the reservation rules and quota permissible as soon as possible but within a stipulated period.

7. Accordingly, it is ordered.

8. In the result, the writ petition stands disposed of with the direction as aforesaid to be complied with by opposite party No.1 at the earliest preferably within a period of six weeks from the date of receipt of a copy of the order with a fresh notification published for the purpose of election to the Sambalpur Municipal Corporation in the light of the



observations made herein above. As a necessary corollary, the impugned notification as at Annexure-5 is hereby quashed.

9. Issue urgent certified copy as per rules.

(R.K. Pattanaik)
Judge

Alok

Signature Not Verified

Digitally Signed
Signed by: ALOK RANJAN SETHY
Reason: Authentication
Location: ORISSA HIGH COURT
Date: 06-Sep-2025 16:01:47

