



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 12597 of 2026

Jyotirmayee Swain

....

Petitioner

Mr. S.K. Dash, Sr. Advocate
Mr. P.P. Mohanty, Advocate

-versus-

State of Odisha and others

....

Opposite Parties

Mr. P.K. Ray, AGA

CORAM: JUSTICE V. NARASINGH

ORDER

06.05.2026

Order No.

02. 1. Heard Mr. S.K. Dash, learned Senior Counsel instructed by Mr. P.P. Mohanty, learned counsel for the Petitioner and learned counsel for the State.
2. The Petitioner herein is the elected chairperson of Kabisuryanagar Panchayat Samiti in the District of Ganjam, assails the order passed by the Collector by which it was held that it was the Petitioner who had submitted the resignation from the post of Chairperson of Kabisuryanagar Panchayat Samiti and submission of such resignation is in tune with Section 46 of the Odisha Panchayat Samiti Act, 1959 and also directing for consequential steps to be taken to fill up the vacancy.
3. Admittedly, this is the second journey of the Petitioner to this Court. Assailing that the purported



letter of resignation dated 22.04.2024 was never submitted by her and therefore, the same cannot be taken into account and the consequential steps to fill up the post of Chairperson of Panchayat Samiti, the Petitioner approached this Court in W.P.(C) No.16094 of 2024 and the same was disposed of by order dated 05.05.2025.

Paragraphs-4 to 6 of the said order which is germane for adjudication in the case at hand is extracted hereunder for convenience of reference:-

"4. It is contended that since Petitioner at no point of time submitted his resignation, no such resignation letter could have been forwarded to the Collector-Opposite Party No.2 for taking further action in the matter. It is however contended that the purported resignation letter so forwarded under Annexure-1 has not yet been accepted.

5. Learned Addl. Government Advocate for the State on the other hand contended that if the Petitioner is disputing that she has never resigned, let her make an appropriate application before the Collector for its consideration.

6. Considering the submissions and the dispute involved, this Court while disposing the Writ Petition permits the Petitioner to make an appropriate application before Opposite Party No.2, indicating therein that Petitioner has never resigned from her post.

It is observed that if any such application will be moved before Opposite Party No.2 within a period of two (2) weeks hence, Opposite Party No.2 shall take a lawful decision on the same by giving a personal hearing to the Petitioner within a



period of four (4) weeks thereafter. Till a fresh decision is taken as directed, interim order passed by this Court on 18.07.2024 shall continue."

(Emphasized)

4. It is submitted by the learned Senior Counsel for the Petitioner that, pursuant to the aforementioned direction of this Court, the matter was taken up for consideration by Opposite Party No.2-the Collector & District Magistrate, Ganjam and by the impugned order at Annexure-7, the Petitioner's contention that she had not submitted the resignation and that the resignation as submitted was not in tune with Section 46 of the Odisha Panchayat Samiti Act, 1959, was negatived without appreciating the matter in its proper perspective.

5. Per contra, learned counsel for the State, Mr. Ray submits that, on a bare perusal of the impugned order, it can be seen that the Collector & District Magistrate, Ganjam, passed the order in terms of the letter and spirit of the order passed by this Court in the earlier writ petition, and he has come to a just finding on threadbare analysis of the materials on record that the resignation letter was submitted by the Petitioner herself.

He also rebuts the submission regarding the violation of Section 46 of the Odisha Panchayat Samiti Act, 1959, which deals with the resignation of Chairman, Vice-Chairman, and members.



For convenience of reference, Section 46 of the Odisha Panchayat Samiti Act, 1959 is also extracted hereunder:-

"46. Resignation of Chairman, Vice-Chairman and members – The Chairman, Vice-Chairman or any member of the [***] Samiti may resign his office as such Chairman, Vice-Chairman or member by giving notice in writing [***] to the Samiti. Except in a case where the person resigning delivers the notice of resignation personally to [***] the Block Development Officer, such officer shall on receipt of a notice of resignation, obtain confirmation from the person concerned as to its genuineness. A resignation delivered personally or confirmed as aforesaid shall take effect on and from the date on which the notice was received."

6. On considering the rival submissions, taking into account the language of Section 46 of the Odisha Panchayat Samiti Act, 1959 and the stand of the Opposite Parties as borne out from the order of the Collector, this Court is persuaded to hold that the matter merits consideration.

7. Admit.

8. Issue notice to the Opposite Parties.

Since learned counsel for the State accepts notice on behalf of the Opposite Party Nos.1 to 3, no notice need be issued to the said Opposite Parties.

9. Taking into account the recitals in the writ petition qua the role ascribed to the Opposite Party No.4, notice be issued to the said Opposite Party No.4



as well as Opposite Party No.5 by Speed Post. Requisites shall be filed by 11.05.2026.

10. List this mater on 06.07.2026 under the heading fresh admission.

11. Response, if any, by the learned counsel for the State as well as the Opposite Parties be submitted by 25.06.2026, and if the Petitioner feels that the same needs to be responded to, such response be filed by 02.07.2026 without fail.

(V. Narasingh)
Judge

I.A. No.6918 of 2026

Order No.

03. 1. Heard.
2. This is an application seeking stay operation of the order at Annexures-1, 3 & 7.
3. It is apt to note that, by the earlier order of this Court dated 05.05.2025 in W.P.(C) No.16094 of 2024 extracted hereinabove, the Petitioner status as Chairperson was protected till disposal of the writ petition.
4. Considering the nature of the lis, this Court finds force in the submission of the learned Senior Counsel for the Petitioner that, in the event the Petitioner is not protected, the relief sought shall be



rendered infructuous and the Petitioner cannot be compensated.

5. Such submission is opposed by the learned counsel for the State and he submits that, upon detailed examination of the rival contentions, since the impugned order at Annexure-7 had been passed, the operation of the same cannot be stayed at this stage, which virtually amounts to granting the final relief.

6. Balancing the equity inter se, this Court is persuaded to direct stay of operation of the impugned order at Annexure-7 till the next date.

7. List this matter on 06.07.2026.

**(V. Narasingh)
Judge**

Ayesha

Signature Not Verified

Digitally Signed
Signed by: AYESHA ROUT
Reason: Authentication
Location: High Court of Orissa, Cuttack
Date: 07-May-2026 21:01:00

