



IN THE HIGH COURT OF ORISSA AT CUTTACK
WP(C) No.12778 of 2023

N. Rajendra Narayan Ayangar

Petitioner

Represented by Adv. -
Somadarsan Mohanty

-versus-

State Of Odisha and Ors.

Opposite Parties

Represented by Adv. –
Mr. Sangram Jena

Mr. U. C. Jena, ASC

CORAM:
MR. JUSTICE ADITYA KUMAR MOHAPATRA

ORDER
13.07.2026

Order No.

11. 1. This matter is taken up through hybrid mode.
2. Heard learned counsel appearing for the petitioner as well as learned counsel for the State and Mr. Sangram Jena, learned counsel for Opp. Party No.6-Governing Body. Perused the pleadings of the respective parties as well as the documents annexed thereto.
3. By filing the present writ application, the petitioner has sought for the following relief:-

It is, therefore, prayed that this Hon'ble Court may be graciously pleased to issue writ/writs, order/orders, direction/declaration under Article 226



of the Constitution of India and more particularly to issue:-

1. Writ of Mandamus setting aside order dated 12.01.2023 of O.P. No.4 and directing the O.P. No.4 to release salary of the petitioner from May, 2020 till today within a stipulated period.

And pass such other order/orders as this Hon'ble Court may deems fit and proper in the fact and circumstances of the case and in the interest of justice.

And for this act of kindness the petitioner shall ever pray.

4. Learned counsel for the petitioner, at the outset, contended that the prayer of the petitioner in the present writ application is confined to the sanction and disbursal of arrear salary from May, 2022 to May, 2023. He further contended that while the petitioner was working as lecturer in political science in Belaguntha Women's H.S. School, the school was admitted into Block Grant fold on 27.10.2011. The petitioner was appointed as Principal-in-Charge-cum-Secretary of school on 24.09.2014. While he was discharging his duty, a complaint was made against the present petitioner by one Manoranjan Pattanaik on 16.12.2019 before the Opposite Party No.4. An enquiry committee, consisting of two members was set up, to enquire into the allegation/complaint and submitted a report. It is the contention of the learned counsel for the petitioner that the committee conducted such enquiry without



providing an opportunity to the petitioner to participate in such enquiry proceeding.

5. Learned counsel for the petitioner further submitted that on 20.04.2020, the Opp. Party No.4 issued a letter to Opp. Party No.5 to stop the salary of the petitioner and to remove him from the post of Principal-in-Charge of the School. The salary of the petitioner was also withheld w.e.f. May, 2020 and he was removed from the post of Principal-in-Charge. Aggrieved, the petitioner approached this Court by filing W.P.(C) No.11379 of 2022 challenging the inaction of the opp. Parties in not considering his representations filed in the year 2021-2022. This Court, vide order 18.05.2022, disposed of the writ application directing the Opp. Party No.4 to consider the representations of the petitioner.

6. While the matter stood thus, on 13.09.2022, Opp. Party No.4 wrote a letter to the Controller of Examination of Berhampur University to examine the genuineness of M.A. certificate and mark sheet of the petitioner. The Berhampur University informed the Opp. Party no.4 vide letter dated 26.09.2022 that the certificate and mark sheet of the petitioner are genuine. Accordingly, the Opp. Party No.4 disposed of the representation of the petitioner dated 06.02.2022, vide order dated 12.01.2023. However, while doing so, the Opp. Party No.4 rejected the prayer of the petitioner for release of his arrear salary on the ground that his mark



sheet and certificate are not genuine. Being aggrieved by such conduct, the petitioner has approached this Court by filing the present writ petition.

7. Learned counsel for the petitioner, at this juncture, contended that during the pendency of the writ petition, the petitioner has been paid his current salary from May, 2023 onwards by virtue of order dated 30.06.2023 of the Deputy Director, Directorate of Higher Secondary Education, Odisha. The said office order further reveals that such release is subject to the outcome of the present writ petition.

8. Mr. Jena, learned counsel appearing for the Opposite Party No.6-Governing Body contended before this Court that, pursuant to the impugned order passed by this Court, the petitioner has been paid his salary from May, 2023 onwards. It was also contended that the arrear salary as claimed by the petitioner from May, 2022 to May, 2023 shall be considered only after disposal of the present writ application.

9. Learned counsel for the State on the other hand contended that certain allegations were made against present petitioner while he was discharging his duty as teacher. Therefore, awaiting the report from the enquiry committee, the salary of the petitioner was stopped. He further contended that subject to the outcome of such enquiry, a final decision shall be taken by the Competent Authority after disposal of the present writ application.



10. Having regard to the submissions made by the learned counsel appearing for the respective parties and on careful examination of issue involved in the present writ petition, this Court found that on certain allegations, the opposite parties stopped the salary of the present petitioner. Further, the record reveals that the allegation was made against the petitioner with regard to the genuineness of the mark-sheet and certificate of his M.A. Examination issued by the Berhampur University. In the meantime, on the request of the Opposite Party No.4, the University carried out verification and has already intimated the opposite party No.4 that such certificates are genuine.

11. In such view of the matter, this Court is of the view that if that was the allegation, then there was no necessity to stall the salary of the present petitioner and that the salary as due and admissible, cannot be withheld on the basis of unsubstantiated allegations. This Court further directs that in the event confirmation with regard to the genuineness of the petitioner's mark-sheet and certificate has already been received, the opposite parties shall act upon such instruction of the concerned University and pass necessary consequential orders including the payment of salary for the period during which it was withheld, as no fault can be found with the present petitioner. Let a final decision be taken by the Opposite Party No.4 within a period of six weeks from the date the Petitioner approaches the Opposite Party No.4 along with the copy of today's order.



12. With the aforesaid direction, this writ petition stands disposed of.

(ADITYA KUMAR MOHAPATRA)

Judge

Utkalika