



IN THE HIGH COURT OF ORISSA AT CUTTACK

CONTC No.2329 OF 2025

(An application under Article 215 of the Constitution of India read with Sections 11 and 12 of the Contempt of Court's Act, 1971)

Satyavrata Panda,
S/o-Late Gangadhar Panda,
resident of Plot No.C-103, 1st Floor, Puja Paradise,
GGP Colony, Rasulgarh, Bhubaneswar, Dist-Khordha
..... **Petitioner**
-Versus-

(1) **Prof. Sanjay Kumar Nayak,**
Vice-Chancellor,
Ravenshaw University,
Cuttack, At/P.O./City/Dist.-Cuttack
(2) **Kanhu Charan Mallick, (O.A.S.),**
Registrar, Ravenshaw University, Cuttack
At/P.O./City/Dist.- Cuttack

..... **Opp. Parties /**
Contemnors

Advocates appeared:

For Petitioner : *Ms. Saswati Mohapatra,*
Advocate

For Opposite Parties : *Mr. Swayambhu Mishra,*
Additional Standing Counsel
Mr.Venugopal Mahapatra, Advocate
(for Opposite Parties)

CORAM :

MR. JUSTICE K.R. MOHAPATRA
MISS JUSTICE SAVITRI RATHO

Date of Hearing 24.04.2026 :: Date of Judgment : 20 .05.2026

JUDGMENT

By the Bench;

1. This matter is taken up through hybrid mode.



2. This CONTC has been filed with the following prayer:-

“Under the aforesaid facts and circumstances, it is therefore, prayed that this Hon'ble Court may graciously be pleased to:

- (i) *Direct/order the Opp. Parties/Contemnors to comply with the aforesaid interim Orders, dated 27.07.2023 and 04.08.2023, passed by the Division Bench of this Hon'ble Court in LA. No. 4575 of 2023, LA. No. 4470 of 2023 and LA. No.4812 of 2023, arising out of W.A. No. 1655 of 2023, W.A. No. 1693 of 2023 and W.A. No. 1781 of 2023 respectively and thereby punish the Contemnors/Opp. Parties suitably as due and admissible under Article 215 of the Constitution of India read with Sections 11 and 12 of the Contempt of Courts Act, 1971, as the Opp. Parties / Contemnors have deliberately and willfully flouted the aforesaid Interim / Status-quo Orders of this Hon'ble Court for the interest of justice.”*
- (ii) *pass such other order(s) or issue direction(s) as may be deemed fit and proper in the bona fide interest of justice.*

And for which act of kindness, the petitioner as in duty bound shall ever pray.

3. The Petitioner [Respondent No.7 in W.A. No.1781 of 2023 (arising out of W.P.(C) No.39640 of 2021 disposed of on 11th July, 2022] alleging non-compliance of interim order dated 4th August, 2023 passed in I. A. No. 4812 of 2023 (arising out of the aforesaid Writ Appeal) has filed this CONTC.

4. The factual backdrop basing upon which this CONTC has been filed is stated hereunder in a nutshell for better appreciation of facts:-



(A) Odisha Public Service Commission (for brevity, ‘the OPSC’) issued advertisement No.8/2020-21 on 8th February, 2021 for recruitment to the post of Assistant Professor in different disciplines of the Universities under the administrative control of Higher Education Department, Government of Odisha. Accordingly, applications were filed by eligible candidates.

(B) The Petitioner (Respondent No.7 in the Writ Appeal) submitted his candidature for the post of Assistant Professor in Psychology. The Petitioner as well as Appellant in W.A. No.1781 of 2023, namely, Reetu Patra (not impleaded as a party to the CONTC) (hereinafter referred as ‘the Appellant’ for convenience) along with others submitted their candidatures for the post of Assistant Professor in Psychology. On completion of the selection process, the OPSC recommended the name of nine (9) candidates including the Appellant for appointment to the post of Assistant Professor in Psychology. Accordingly, the Registrar, Ravenshaw University, Cuttack vide Office Order No.4290(1) dated 17th December, 2021 issued order of appointment in favour of the Appellant. The Appellant accordingly joined in the service and continued to discharge her duties. In the order of appointment, it was indicated that the appointments are subject to outcome of W.P.(C) No.33452 of 2020 (Prof. Kunja Bihari Panda and others –versus – State of Odisha and Others), W.P.(C) No.34257 of 2020 (Ajit Kumar Mohanty – versus – State of Odisha and Others), and W.P.(C) No.30438 of 2021 (Durga Prasad Mohanty – versus – State of Odisha



and Others). But there was no stipulation in respect of W.P.(C) No.39640 of 2021 out of which the Writ Appeal No.1781 of 2023 arose.

(C) The said Writ Petition, i.e., W.P.(C) No.39640 of 2021 was disposed of by the learned Single Judge vide judgment dated 11th July, 2022 and the selection process to the post of Assistant Professor in Psychology was set aside. However, the Appellant was not a party to the said writ petition although she was directly affected by the order passed in the said writ petition as her selection to the post of Assistant Professor in Psychology in Ravenshaw University was at stake pursuant to the judgment passed in W.P. (C) No. 39640 of 2021. Thus, being aggrieved by the said judgment she (the Appellant) has filed W.A. No.1781 of 2023 assailing the judgment dated 11th July, 2022 passed in W.P.(C) No.39640 of 2021, which is *sub judice*.

(D) This Court while issuing notice in the Writ Appeal, i.e., W.A. No.1781 of 2023 passed an interim order on 4th August, 2023 in I.A. No.4812 of 2023 which is as under:-

“I.A. No.4812 of 2023

1. This is an application for staying the operation of the order dated 11.07.2022 passed in W.P.(C) No. 39640 of 2021, the order challenged in W.A. No. 1781 of 2023.

2. Heard Mr. D.N. Rath, learned counsel appearing for the applicant.

3. Issue notice, returnable on 25.08.2023.

4. Since Mr. M.K. Khuntia, learned Additional Government Advocate appears and waives notice for the opposite party no.1 and Mr. S. Rath, learned counsel appears and waives notice for the opposite party no.7, no



formal notice in respect of those opposite parties is called for.

5. *The applicant shall take steps for service of notice on the remaining opposite parties by Speed Post with AD. within three days from today.*

6. *Meanwhile, the status quo in respect of the service of the applicant shall be maintained.”*

(Emphasis supplied)

5. The Petitioner who was Respondent No.7 in Writ Appeal has filed this CONTC alleging willful violation of interim order in I.A. No.4812 of 2023 passed in W.A. No.1781 of 2023, I.A. No.4575 of 2023 passed in W.A. No.1655 of 2023 and I.A. No.4470 of 2023 passed in W.A. No.1693 of 2023.

6. Ms. Mohapatra, learned counsel for the Petitioner, at the outset, submits that the CONTC be confined to the violation of interim order passed in I.A. No.4812 of 2023 arising out of W.A. No.1781 of 2023. Hence, the CONTC is confined to the alleged violation of interim order passed in I.A. No.4812 of 2023 (arising out of W.A. No.1781 of 2023) only.

6.1. Ms. Mohapatra, learned counsel for the Petitioner vehemently argued that during continuance of the interim order as aforesaid, the Opposite Parties herein issued order of confirmation of the Appellant in service along with other similarly situated Assistant Professors in different Departments in Ravenshaw University vide Office Order No.1140 dated 24th March, 2025 (Annexure-16). It is also submitted that the Petitioner had represented the Opposite Parties, namely, the Authorities under the Ravenshaw



University not to confirm the services of the Petitioner. But without considering the same, the order of confirmation in service was passed.

6.2. It is contended by Ms. Mohapatra that during continuance of order of status quo in service, the Appellant along with others could not have been confirmed and by doing so, the Registrar, Ravenshaw University willfully and deliberately violated the interim order passed by this Court in I.A. No.4812 of 2023 arising out of W.A. No.1781 of 2023.

6.3. During pendency of the Writ Appeal, the Appellant should have been allowed to continue as she was continuing at the time of passing of interim order, i.e., on probation. By confirming the services of the Appellant vide Office order under Annexure-16, the Authorities under the Ravenshaw University not only willfully and deliberately violated the interim order passed in W.A. No.1781 of 2023, but also given undue advantage to the Appellant, which was not permissible in the eye of law.

6.4. In support of her submission, Ms. Mohapatra, learned counsel for the Petitioner relied upon the case of ***Balwantbhai Somabhai Bhandari Vs. Hiralal Somabhai Contractor (deceased) Rep. By LR. & Others passed by Hon'ble Supreme Court in Civil Appeal No.4955 of 2022***, wherein it is observed as under:-

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81. It would be pertinent, in this context, to refer to the decision of the Chancery Division in **Clarke and others v. Chadburn and others** reported in (1985) 1 All ER 211, wherein it was held that an act done in willful disobedience of an injunction or court order is not only a contempt of court, but also an illegal and invalid act which could not, therefore, effect any change in the rights and liabilities of others. Similar view was expressed by this Court in **Satyabrata Biswas and Others v. Kalyan Kumar Kisku and Others** reported in (1994) 2 SCC 266, wherein the contempt jurisdiction was invoked by the respondents against the appellants, and during the contempt proceedings, it transpired that a sub tenancy was created while the status quo order was in operation. This Court held that creation of sub-tenancy was in violation of the status quo order and parties were relegated to the position as existed on the date of the status quo order. This Court, inter alia, observed thus:

“23. ... Such an order cannot be circumvented by parties with impunity and expect the court to confer its blessings. It does not matter that to contempt proceedings Somani Builders was not a party. It cannot gain advantage in derogation of the rights of the parties, who were litigating originally. If the right of sub-tenancy is recognized, how is status quo as of 15.9.1988 maintained? Hence, the grant of sublease is contrary to the order of status quo. Any act done in the teeth of the order of status quo is clearly illegal. All actions including the grant of sub-lease are clearly illegal.”

(Emphasis supplied)

85. This Court in **Delhi Development Authority v. Skipper Construction Co. (P) Ltd. and Another** reported in (1996) 4 SCC 622, held that the legal consequences of what has been done in breach of or in violation of the order of stay or injunction should be undone and the parties could be put back to the same position as they stood immediately prior to such order of stay or injunction to not let the defaulting party enjoy any undue advantage. This Court while relying upon cases decided by various High Courts held as under:

“The contemner should not be allowed to enjoy or retain the fruits of his contempt

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18. The above principles has been applied in the case of violation of orders of injunction issued by civil courts. In **Clarke v. Chadburn** [(1985) 1 All ER 211] Sir Robert Megarry V-C observed:



“I need not cite authority for the proposition that it is of high importance that orders of the court should be obeyed. Willful disobedience to an order of the court is punishable as a contempt of court, and I feel no doubt that such disobedience may properly be described as being illegal. If by such disobedience the persons enjoined claim that they have validly effected some charge in the rights and liabilities of others, I cannot see why it should be said that although they are liable to penalties for contempt of court for doing what they did, nevertheless those acts were validly done. Of course, if an act is done, it is not undone merely by pointing out that it was done in breach of the law. If a meeting is held in breach of an injunction, it cannot be said that the meeting has not been held. But the legal consequences of what has been done in breach of the law may plainly be very much affected by the illegality. It seems to me on principle that those who defy a prohibition ought not to be able to claim that the fruits of their defiance are good, and not tainted by the illegality that produced them.”

19. To the same effect are the decisions of the Madras and Calcutta High Courts in *Century Flour Mills Ltd. v. S. Suppiah* [AIR 1975 Mad 270 : (1975) 2 MLJ 54] and *Sujit Pal v. Prabir Kumar Sun* [AIR 1986 Cal 220 : (1986) 90 CWN 342]. In *Century Flour Mills Ltd.* [AIR 1975 Mad 270 : (1975) 2 MLJ 54] it was held by a Full Bench of the Madras High Court that where an act is done in violation of an order of stay or injunction, it is the duty of the court, as a policy, to set the wrong right and not allow the perpetuation of the wrongdoing. The inherent power of the court, it was held, is not only available in such a case, but it is bound to exercise it to undo the wrong in the interest of justice. That was a case where a meeting was held contrary to an order of injunction. The Court refused to recognise that the holding of the meeting is a legal one. It put back the parties in the same position as they stood immediately prior to the service of the interim order.

20. In *Sujit Pal* [AIR 1986 Cal 220 : (1986) 90 CWN 342] a Division Bench of the Calcutta High Court has taken the same view. There, the defendant forcibly dispossessed the plaintiff in violation of the order of injunction and took possession of the property. The Court directed the restoration of possession to the plaintiff with the aid of police. The Court observed that no technicality can prevent the court from doing justice in exercise of its inherent powers. It held that the object of Rule 2-A of Order 39 will be fulfilled only where



such mandatory direction is given for restoration of possession to the aggrieved party. This was necessary, it observed, to prevent the abuse of process of law.

21. *There is no doubt that this salutary rule has to be applied and given effect to by this Court, if necessary, by overruling any procedural or other technical objections. Article 129 is a constitutional power and when exercised in tandem with Article 142, all such objections should give way. The court must ensure full justice between the parties before it."*

(Emphasis supplied)

89. *The High Court declared all the sale deeds executed by the contemnors in favour of the purchasers as non est. The High Court ordered that the sale deeds stand cancelled and set aside. The contemnors were directed to restore the position which was prevailing at the time of the order dated 14.10.2015 passed by the High Court. In our opinion, the High Court was fully justified in declaring the sale deeds as non est or void.*

101. *We may take judicial notice of the fact with all humility at our command that over a period of time, the courts have shown undue leniency and magnanimity towards the contemnors. This lenient attitude shown by the courts over a period of time has actually emboldened unscrupulous litigants to disobey or commit breach of the order passed by any court or any undertaking given to the court with impunity.*

102. *The litigants, proceeded for contempt of court have realised that they have a very potent weapon in their hands in the form of apology. Take for instance, the present case itself. What do the appellants want us to do? The appellants want this Court to accept their apology and set aside the order of punishment and sentence passed by the High Court. There ought not to be a tendency by courts to show compassion when disobedience of an undertaking or an order is with impunity and with total consciousness.*

112. *It is equally well-settled that apology tendered is not to be accepted as a matter of course and the court is not bound to accept the same. Although, the apology may be unconditional, unqualified and bona fide, yet, if the conduct is serious which has caused damage to the dignity of the institution the same need not to be accepted.*

113. *In the facts of the case, we are convinced that although the appellants might have tendered the apology before the High Court in the first instance, yet such apology does not deserve to be accepted and was rightly not accepted by the High Court. It was nothing but a gamble on the part of the appellants. It is a lame*



excuse on their part to say that they were left with no choice but to execute the sale deeds. They have also highlighted few circumstances in this regard. However, we are not at all convinced with any such explanations offered by the appellants. They took a calculated risk to transfer the properties and pocketed the sale consideration. If there was any impending urgency to execute the sale deeds, they could have come to the High Court and should have obtained appropriate clarification or permission in that regard. This is the reason why we say that the appellants with a view to gain wrongfully gambled in the hope that ultimately, they would get away by tendering an apology. This is the reason why such fake apologies should not be accepted by the court and allow a person who has no regard for the Majesty of law to get away from the legal consequences. There is no occasion for us to show any compassion as contempt has been committed and proved beyond reasonable doubt and the effect of this contempt has been felt on the Majesty of the High Court. The litigating public cannot be encouraged that such a situation can continue or the court will not rise to the occasion to book people violating its orders. The law is very clear that the court should not get compassionate and dilute an indictment and not follow it with conviction. The fact that the appellants have committed contempt is not in doubt. The law enjoins that a punishment must follow.

6.5. She also placed reliance on the case of ***B.K. Pavithra Vs. Union of India*** AIR 2020 Supreme Court 2565, in which Hon'ble Supreme Court held as under:-

“This Court has, on several previous occasions, considered whether the filing of applications, though styled as applications for directions/ modification/recall/correction are, in substance, of a different nature and consequentially not maintainable. In Delhi Administration v Gurdip Singh Ubani (“Gurdip Singh”), this Court disapproved of the practice of filing applications for “clarifications”, “modifications” and “recall” of final judgments and orders, noting that this was an attempt to bypass the provisions for review contained in Order XL of the Supreme Court Rules 1966. The Court observed:

“17. We next come to applications described as applications for “clarification”, “modification” or “recall” of judgments or orders finally passed. We may point out that under the relevant Rule XL of the



Supreme Court Rules, 1966 a review application has first to go before the learned Judges in circulation and it will be for the Court to consider whether the application is to be rejected without giving an oral hearing or whether notice is to be issued.

... In case notice is issued, the review petition will be listed for hearing, after notice is served. This procedure is meant to save the time of the Court and to preclude frivolous review petitions being filed and heard in open court. However, with a 14 (2000) 7 SCC 296 view to avoid this procedure of “no hearing”, we find that sometimes applications are filed for “clarification”, “modification” or “recall” etc. not because any such clarification, modification is indeed necessary but because the applicant in reality wants a review and also wants a hearing, thus avoiding listing of the same in chambers by way of circulation. Such applications, if they are in substance review applications, deserve to be rejected straight away inasmuch as the attempt is obviously to bypass Order XL Rule 3 relating to circulation of the application in chambers for consideration without oral hearing... By describing an application as one for “clarification” or “modification”, — though it is really one of review — a party cannot be permitted to circumvent or bypass the circulation procedure and indirectly obtain a hearing in the open court. What cannot be done directly cannot be permitted to be done indirectly.

(Emphasis supplied)

The Court observed that many applications, though styled as applications for clarification or modification are, in substance, applications for review. This practice was presumably adopted to bypass the procedure stipulated for the consideration by this Court of review petitions. A party, it was held, would not be permitted to circumvent substantive procedures by filing such applications. With the above observations, the Court affirmed a fundamental principle of jurisprudence that “what cannot be done directly cannot be permitted to be done indirectly.”



6.6. Thus, she submits that the Opposite Parties should be suitably punished for willfully and deliberately violating the interim order dated 4th August, 2023 passed by this Court in I.A. No.4812 of 2023 (arising out of W.A. No.1781 of 2023).

7. Mr. Venugopal Mahapatra, learned counsel appearing for the Ravenshaw University vehemently objects to the same and submits that in the order of appointment No.4290 dated 17th December, 2021 issued by the Registrar, Ravenshaw University, it was stipulated that the appointees will continue on probation for a period of two years. Thus, the Appellant, who was also an appointee pursuant to the said order of appointment continued for two years on probation basis. In the Writ Appeal, the order of appointment was not stayed. On the other hand, the order of *status quo* in service was granted by this Court. Thus, the conditions of order of appointment remain unaffected. By the time the interim order of *status quo* was passed, the Appellant was continuing in service and was not terminated. Thus, the Appellant was allowed to continue in service in spite of judgment in W.P.(C) No.39640 of 2021. After the period of probation was over, the Appellant was confirmed in service vide order No.1140 dated 24th March, 2025 in terms of the order of appointment, which in no way affects the continuance of the interim order, much less violation and also does not prejudice the Petitioner in any manner. The appointment and continuance of the Appellant in service is subject to outcome of W.A. No.1781 of 2023.



8. Apprehending her termination, the Appellant filed W.A. No.1781 of 2023 and the interim order of *status quo* as aforesaid was passed. Had the Petitioner being not allowed to continue, in spite of the interim order of *status quo*, then it would have been a breach of the interim order. By allowing the Appellant to continue in service and giving effect to the service benefits as stipulated in the appointment order would in no way violate the interim order. By confirming the Appellant in service, it does not confer any new benefit beyond the term of her appointment order. Thus, Mr. Mahapatra, learned counsel appearing for the Ravenshaw University submits that the contempt proceeding should be dropped. He, however, referring to the affidavit filed by the Vice Chancellor, Ravenshaw University submits that if the Court would be of the opinion that the Opposite Parties have violated the interim order then the Registrar, Ravenshaw University-Opposite Party No.2 undertakes to recall and reverse the order of confirmation of service granted to the Appellant forthwith. Similar such affidavit was filed by the Registrar, Ravenshaw University also.

9. Ms. Mohapatra, learned counsel for the Petitioner responded to the submission of Mr. Mahapatra, learned counsel for the Ravenshaw University-Opposite Party by reiterating her submission. She also submitted that the Opposite Parties have impliedly admitted to have committed contempt of Court by giving an undertaking to recall the order of confirmation of the Appellant in their show cause.



10. Heard learned counsel for the parties. Perused the materials on record placed before us.

11. The grievance of the Petitioner, in this CONTC, is that the Opposite Parties in confirming the services of the Appellant had willfully and deliberately violated the interim order dated 4th August, 2023 passed by this Court in I.A. No.4812 of 2023 (arising out of W.A. No.1781 of 2023).

12. The Writ Appeal has been filed by the Appellant apprehending her termination in view of the judgment passed in W.P.(C) No.39640 of 2021 wherein the selection process pursuant to the advertisement published by the OPSC was set aside. The Appellant was not made a party to the said writ petition. Since her services were at stake, pursuant to the judgment passed in W.P.(C) No.39640 of 2021, she filed the Writ Appeal No.1781 of 2023 apprehending her termination.

13. Considering the grievance of the Appellant, this Court has passed an interim order of *status quo* in service, as aforesaid, while issuing notice in the Writ Appeal.

14. On perusal of the Appeal Memo as well as interim application, it is apparent that the cause of action for filing the Writ Appeal arose when the judgment in W.P.(C) No.39640 of 2021 was passed setting aside the selection process conducted by the OPSC in which the Appellant was selected and appointed as Assistant Professor in the Department of Psychology under Ravenshaw University.

15. A close reading of the interim application makes it clear that no prayer has been made with regard to the



conditions of the order of appointment by which the Appellant was appointed. Apprehending termination, the Appellant filed I.A. No. 4812 of 2023 with a prayer to stay operation of judgment dated 11th July, 2022 passed in W.P.(C) No.39640 of 2021 by which the entire selection process in which the Appellant was selected was set aside. Considering the subject matter of dispute this Court while issuing notice in the Writ Appeal has passed an interim order of *status quo* in service. Thus, there was no impediment on the part of the Ravenshaw University in allowing the Appellant to continue in service by virtue of the interim order of *status quo*, in spite of judgment in W.P.(C) No.39640 of 2021. In the order of appointment issued to the Petitioner and similarly situated appointees by the Registrar, Ravenshaw University, it is stipulated as under:-

“The appointment is subject to outcome of W.P.(C) No.33452 of 2020 (Prof. Kunja Bihari Panda and others –versus – State of Odisha and Others), W.P.(C) No.34257 of 2020 (Ajit Kumar Mohanty – versus – State of Odisha and Others), and W.P.(C) No.30438 of 2021 (Durga Prasad Mohanty – versus – State of Odisha and Others).

(i) he / she will be on probation for a period of two years from the date of joining which will be confirmed on satisfactory completion of probation.

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16. By virtue of the interim order of *status quo*, the conditions of the order of appointment remain unaffected. Thus on satisfactory completion of period of probation for two years, the Appellant was confirmed in service. It does



not in any manner violate the interim order of *status quo* in service passed by this Court in I.A. No.4812 of 2023.

17. The principles decided in the case of ***Balwantbhai Somabhai Bhandari (supra) and B.K. Pavithra (supra)*** relied upon by the Petitioner should be kept in mind while adjudicating an application under the Contempt of Courts Act, 1971. The principles laid down in the aforesaid cases in no way oppose the action taken by the Opposite Parties in issuing the order of confirmation of the Appellant.

18. The undertaking given by the Opposite Parties in their respective show cause affidavits does not indicate that they have impliedly admitted to have committed contempt of Court. Rather it exhibits their *bona fide* intention and respect for the order passed by the Court. They have stated in their respective show cause affidavit that if it is held that they have committed contempt of Court, they would recall the order of confirmation of the Appellant. It does not in any manner indicate that they have impliedly admitted to have committed contempt of Court, as alleged by Ms. Mohapatra, learned counsel for the Petitioner.

19. Although the Petitioner alleges willful and deliberate violation of the interim order of *status quo* in service passed in I.A. No.4812 of 2023 but in view of the discussion made above, it is apparent that there is no violation of the interim order of *status quo* in service much less any willful and deliberate violation.



20. By not confirming the services of the Appellant, the Opposite Parties would have infringed the conditions of order of appointment. Since the order of appointment remains unaffected by virtue of the interim order, which is alleged to have been violated, this Court is of the considered view that there is no breach or violation of the interim order of *status quo* in service as directed by this Court vide order dated 4th August, 2023 passed in I.A. No.4812 of 2023 (arising out of W.A. No.1781 of 2023).

21. Accordingly, the CONTC fails.

22. Hence, the contempt proceeding is dropped and the CONTC is dismissed.

(K.R. Mohapatra)
Judge

(Savitri Ratho)
Judge

Orissa High Court, Cuttack,
Dated 20th May, 2026 /Himansu