



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.17024 of 2025

Ranjan Kumar Jena and others **Petitioners**
Mr. A.K. Behera, Advocate

-Versus-

State of Odisha and others **Opposite Parties**
Mr. S.K. Swain, AGA
Mr. B. Biswal, Advocate for O.P. No.5

CORAM:

MR. JUSTICE R.K. PATTANAİK

ORDER
22.07.2025

Order
No.
02.

1. Heard Mr. Behera, learned counsel for the petitioners and Mr. Swain, learned AGA for the State besides Mr. Biswal, learned counsel for opposite party No.5.
2. Instant writ petition is filed by the petitioners challenging the impugned order as at Annexure-12 passed in connection with GP Misc. (Appeal) No.01 of 2025 by the learned Collector, Jajpur, namely, opposite party No.3 on the grounds stated therein.
3. Mr. Behera, learned counsel for the petitioners submits that the Court's order in W.P.(C) No.1890 of 2025 at Annexure-4 was not worked out in terms of the directions issued therein for an enquiry, however, thereafter, an action under Section 25(2)(b) of the Odisha Grama Panchayats Act, 1964 (hereinafter referred to as 'the Act') was initiated against



the petitioners. It is further submitted that the no confidence motion against opposite party No.5 was deferred from time to time and finally, as per Annexure-10, it was fixed to be held on 28th May, 2025 subject to final outcome of the decision of this Court in W.P.(C) No.14894 of 2025. It is contended that there was no such interim order of this Court therein to postpone the no confidence motion, hence, the aforesaid decision as per Annexure-10 was set aside vide Annexure-11 in W.P.(C) No.15720 of 2025. The contention is that pending the no confidence motion to take place, the proceeding under Section 25(2)(b) of the Act was pursued and it ultimately resulted in passing of the impugned order i.e. Annexure-12 disqualifying the petitioners for having not attended three consecutive GP meetings held on 23rd December, 2024, 30th January, 2025 and 17th February, 2025 against the background facts and despite the claim of having attended the same and had been brought to the notice of the learned Sub-Collector, namely, opposite party No.2 and therefore, decision under challenge is liable to be interfered with and set at naught.

4. Mr. Swain, learned AGA for the State, on the other hand, referring to the counter affidavit filed through opposite party Nos.1 to 3 would submit that the petitioners did not attend the meetings themselves having admitted revealed during enquiry with a report received from the learned Additional Executive Officer, Zilla Parishad, Jajpur as at Annexure-A/3 and therefore, rightly, the disqualification has been directed disposing of the proceeding under Section



25(2)(b) of the Act and hence, the impugned order i.e. Annexure-12 does not suffer from any legal infirmity.

5. The petitioners are behind the resolution for the no confidence motion against opposite party No.5, consequent upon which, the resolution dated 16th December, 2024 at Annexure-1 was passed and accordingly, it was moved before opposite party No.4 and was followed by a notice dated 21st January, 2024 i.e. Annexure-3. It is made to understand that the vote of no confidence could not be held and had to be deferred by the orders of opposite party No.4 and it was at last to be held on 28th May, 2025 but again was postponed in view of the Court's order in W.P.(C) No.14894 of 2025. It is informed to the Court by Mr. Behera, learned counsel for the petitioners that W.P.(C) No.14894 of 2024 was withdrawn by opposite party No.5 in view of the disqualification proceeding and decision therein. On a reading of the interim order in W.P.(C) No.14894 of 2025, it is made to reveal that the vote of no confidence in terms of the notice dated 5th May, 2025 was allowed to be held subject to final outcome of the writ petition in view of the order in IA No.8757 of 2025. As such there was no bar for any from the no confidence being held on the resolution received from the petitioners and others. In any case, the motion was postponed by a decision of opposite party No.4 as per Annexure-10.

6. The challenge at present is in relation to the disqualification of the petitioners in view of the order as per Annexure-12 even though the motion was postponed in view of



Annexure-10 since quashed by this Court in W.P.(C) No.15720 of 2025 at Annexure-11. The challenge at present is in relation to the disqualification directed by opposite party No.3 on the ground that the petitioners have not attended three consecutive meetings necessary, a ground of disqualification as per Section 25(2)(b) of the Act. It is also made to understand that an enquiry was held at the Zilla Parishad level and it was followed by a report i.e. Annexure-A/3. It is made to reveal from Annexure-A/3 of the counter that such an enquiry was held with the participation of the petitioners, who although claimed to have attended the meetings but did not sign in the Attendance Register. It is also revealed in the report that no evidence could be produced by the petitioners to show their attendance in the GP meetings on the dates fixed. Mr. Behera, learned counsel for the petitioners, however, strenuously urged for a detailed enquiry regarding the presence of the petitioners on the dates of the meeting held whether to have attended or not even though not signed in the Attendance Register since it has amounted to disqualification under Section 25(2)(b) of the Act.

7. Considering the facts pleaded on record and background leading to the disqualification by the order under Annexure-12 and in view of the claim of the petitioners having attended the meeting on all the three days and duly brought to the notice of opposite party No.3 a fact which is not denied, rather admitted as per Annexure-B/3 of the counter, the Court in view of the fact that the petitioners to be responsible for the



resolution with regard to no confidence motion against opposite party No.5, a detailed enquiry is necessary by opposite party No.3 providing an opportunity to them to furnish such other additional evidence in support thereof as the same would instead serve the purpose and meet the ends of justice. Such is the view of the Court for the fact that disqualification on any such ground and removal from office is a drastic action, hence, utmost care and caution is needed and duly observed the authority concerned.

8. Accordingly, it is ordered.

9. In the result, the writ petition stands disposed of with the direction as aforesaid for compliance by opposite party No.3 with a detailed enquiry held and followed by an order with regard to the petitioners' attendance on the dates fixed in the GP meetings and to conclude the above exercise as soon as possible preferably within a period of three weeks from the date of receipt of a copy of this order and till such time, the enquiry is concluded with a decision at the end, for the vacancies arising on account such disqualification, no election shall be held to the posts of Ward Members of the concerned GP.

10. Issue urgent certified copy of this order as per rules.

(R.K. Pattanaik)
Judge

Signature Not Verified

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