



IN THE HIGH COURT OF ORISSA AT CUTTACK
CONTC No.3907 of 2025

Kirti Ranjan Mohanty and others ... ***Petitioners***
Mr.Budhadev Routray, Senior Advocate
assisted by Mr.Saubhagya Kumar Samal, Advocate

-versus-

Manoj Ahuja, I.A.S. and others ***Opposite Parties***
Mr.Sanjay Rath, Addl. Government Advocate

CORAM:

HON'BLE MR.JUSTICE MURAHARI SRI RAMAN

ORDER

05.12.2025

Order No.

05. 1. Perused the show cause affidavit dated 06.11.2025 filed by the Commissioner-cum-Secretary to Government in School and Mass Education Department, Government of Odisha, Bhubaneswar, paragraphs 5 and 6 of which read as under:

“5. That, it is humbly submitted that Writ Appeal has been filed vide W.A.No.45647 of 2025 against the order dated 11.03.2025 before the Hon’ble High Court. The outcome of the said W.A. is awaited.

6. That in view of the pending appeal, this deponent is unable to take any steps for implementation of the order dated 11.03.2025 to avoid judicial inconsistency and to preserve the subject matter of appeal. The intention has never been to disobey or disregard the order of this Hon’ble Court but to ensure that due process is followed, especially since the matter is actively sub-judice in the Hon’ble Court.”

2. Mr.Budhadev Routray, learned Senior Advocate assisted by Mr.Saubhagya Kumar Samal, learned Advocate for the petitioner cited a judgment of Hon’ble Supreme Court of India



rendered in the case of *Sanjiv Kumar Singh v. The State of Bihar and others* reported in 2023 Live Law (SC) 63, wherein it has been observed as follows:

“Though, such contention is put forth by the respondents, keeping in view the provisions as contained in Order 41 Rule 5 CPC, unless the appeal is listed and there is an interim order, the mere filing of the appeal would not operate as a stay. If that be so, the judgment and decree dated 25.08.2021 would enure to the benefit of the petitioner as on today and the rejection of the NOC only on the ground that the appeal has been filed, would not be justified. In that view, the High Court was also not justified in rejecting the petition.”

3. It is well-settled that mere filing of Writ Appeal shall not be construed as the effect of judgment is stayed unless orders restraining the Court from proceeding further is passed by the higher Court.

4. Perusal of the record reveals that on earlier occasions, i.e., 15.09.2025, 10.10.2025, 24.10.2025 and 07.11.2025, when the matter stood adjourned at the behest of the learned Additional Government Advocate, no order staying the effect of the judgment dated 11.03.2025 rendered in W.P.(C) No.14619 of 2019 has been furnished. Rejecting the explanation given in show cause affidavit as extracted hereinbefore for not complying with the direction (s) of this Court, it is deemed apposite to proceed against the contemnors/opposite parties.

5. Issue notice to the opposite parties/contemnors as to why appropriate proceeding (s) under the Contempt of Courts Act, 1971 shall not be initiated against them for violation of the Court's order dated 11.03.2025 rendered in W.P.(C) No.14619 of



2019, requisites for which shall be filed within three working days. The notice shall be made returnable before the next date.

6. List this matter on 09.01.2026.

(M.S. Raman)
Judge

Bichi

Signature Not Verified

Digitally Signed
Signed by: BICHITRANANDA SAHOO
Designation: Secretary
Reason: Authentication
Location: Orissa High Court
Date: 05-Dec-2025 19:18:43

