



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.27272 of 2024

Dr. Sushree Sangeeta Kar ***Petitioner***
Mr. B.S. Tripathy(1), Sr. Advocate
with Mr. A. Tripathy, Advocate

-versus-

***State of Odisha and
Others*** ***Opposite Parties***
Mr. A. Tripathy, AGA

**CORAM:
JUSTICE BIRAJA PRASANNA SATAPATHY**

**ORDER
16.12.2025**

Order No.

- 04.** 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical) Mode.
- 2.** Heard learned counsel for the parties.
- 3.** The present Writ Petition has been filed *inter alia* challenging the rejection of the petitioner's prayer to allow her to take Voluntary Retirement from Govt. Service vide the impugned communication dated 17.09.2024 under Annexure-7.
- 4.** Learned counsel for the petitioner contended that she entered into service on 31.03.2001 as an Assistant Surgeon and continued under OMES Cadre w.e.f. 19.09.2005. While so continuing, petitioner was also



promoted to the rank of Associate Professor (Regular) w.e.f. 14.02.2019.

4.1. It is contended that while continuing as such, petitioner when initially tendered her resignation vide letter dated 05.07.2023 under Annexure-1, the same was rejected vide communication dated 08.02.2024 under Annexure-2. Thereafter, petitioner again tendered her resignation vide letter dated 03.04.2024 under Annexure-3 on the ground that she intends to contest the State Assembly Election, 2024. However, the same was also rejected vide order dated 17.05.2024 under Annexure-4.

4.2. It is contended that since petitioner's prayer to allow her to resign was not accepted, petitioner finding no alternative, filed an application on 19.07.2024 under Annexure-6, with a prayer to allow her to take Voluntary Retirement from Service, in terms of the provisions contained under Rule-42 of the OCS(Pension) Rules, 1992 (in short Rules).

4.3. However, on similar ground that there is dearth of doctors in the State, petitioner's claim was rejected vide the impugned communication dated 17.09.2024 under Annexure-7. It is contended that since petitioner is unable to discharge her duty because of her continuous ill health because of 2 (two) major



surgeries, which have taken place in the meantime, petitioner submitted the application to allow her to take Voluntary Retirement from her service on 19.07.2024 under Annexure-6. But without proper appreciation of her grievance and the provision contained under Rule-42 of the Rules, the same has been rejected vide the impugned order dated 17.09.2024 under Annexure-7.

4.4. It is contended that the ground on which petitioner's claim has been rejected, is not sustainable in the eye of law as petitioner has submitted an application in terms of the provisions contained under Rule-42 of the Rules and such a claim cannot be rejected on the ground indicated in the impugned order under Annexure-7. It is accordingly contended that while quashing the order at Annexure-7, Govt.-O.P. No.1 be directed to allow the petitioner to take Voluntary Retirement from her services in consideration of the application submitted under Annexure-6.

4.5. It is also contended that similar claim made by similarly situated doctor has been allowed by the Govt. vide office order dated 10.10.2025 under Annexure-IA/2 to I.A. NO.19237 of 2025.

5. Even though notice of the Writ Petition has been issued since 18.11.2024 with passing of an interim



order, but no counter affidavit has been filed as yet. But in the meantime, on the face of the interim order, when a proceeding was initiated against the petitioner on the ground that petitioner is not joining in her services and the same was challenged in the connected W.P.(C) No.34263 of 2025.

5.1. Learned Addl. Govt. Advocate however contended that since there is dearth of doctors in the State, State cannot spare another doctor by allowing her claim to take Voluntary Retirement from services. It is also contended that on the earlier occasion, petitioner when tendered her resignation, that was also not accepted on two different occasion, because of shortage of doctors in the State. It is accordingly contended that petitioner's claim to take VRS has been rightly rejected.

6. Having heard learned counsel for the parties and considering the submissions made, this Court finds that initially while continuing as against the post of Assistant Professor, petitioner submitted her resignation on two different occasion, but on different ground. However both the applications were rejected on the ground that there is dearth of doctors in the State. Petitioner when made an application to take Voluntary Retirement from Service on 19.07.2024 under Annexure-6, the same has been rejected vide the



impugned order dated 17.09.2024 under Annexure-7 on similar ground.

6.1. Taking into account the materials available on record, this Court is of the view that a Govt. servant is vested with the right to make an application to take Voluntary Retirement from Service in terms of the provisions contained under Rule-42 of the Rules, 1992. As per the considered view of this Court, such a prayer cannot be rejected on the ground indicated in the impugned order under Annexure-7.

6.2. It is also found that similar claim made by the similarly situated doctor, has been allowed vide order dated 10.10.2025 under Annexure-IA/2 to the I.A.

6.3. In that view of the matter, this Court is of the view that the ground on which petitioner's claim has been rejected, is not sustainable in the eye of law. Therefore, while quashing the impugned rejection so issued vide letter dated 17.09.2024 under Annexure-7 of Opp. Party No.1, this Court directs O.P. No.1 to take fresh decision with regard to the prayer of the petitioner to take Voluntary Retirement from Service. Such a fresh order be passed within a period of 6(six) weeks from the date of receipt of this order. O.P. No.1 is directed to take into consideration relevancy and effect of order



dated 10.10.2025 so passed in the case of another applicant.

7. The Writ Petition stands disposed of accordingly. Petitioner is permitted to provide a copy of this order along with order dated 10.10.2025 before O.P. No.1 for compliance.

(Biraja Prasanna Satapathy)
Judge

Basudev

Signature Not Verified

Digitally Signed
Signed by: BASUDEV SWAIN
Reason: Authentication
Location: High Court of Orissa, Cuttack
Date: 19-Dec-2025 14:35:48

