



IN THE HIGH COURT OF ORISSA AT CUTTACK

WP(C) No.31321 of 2024

Samir Kumar Pradhan

.....

Petitioner

Represented by Adv. -
Prafulla Kumar
Mohapatra

-versus-

State Of Odisha & Ors.

.....

Opposite Parties

Represented by Adv. –
U.C. Jena, A.S.C.

CORAM:

**THE HON'BLE MR. JUSTICE ADITYA KUMAR
MOHAPATRA**

ORDER

07.07.2026

Order No.

05.

1. This matter is taken up through Virtual Mode.
2. Heard learned counsel for the Petitioner as well as learned counsel for the State-Opposite Parties. Perused the writ application as well as the documents annexed to the writ application.
3. This Writ Petition has been filed by the Petitioner challenging the order dtd.04.10.2024 so passed by Opposite Party No.2 under Annexure-10, wherein the prayer of the Petitioner to bifurcate Balasore Mahila Degree College from Balasore Mahila Junior College was rejected.
3. Learned counsel for the Petitioner contended that as the prayer for such bifurcation was not acceded to by the Opposite Parties, Petitioner approached this Court in W.P.(C) No.1032/2024. This Court vide order dtd.25.01.2024 disposed of the matter with certain direction. Relevant extract of said order is quoted



hereunder:-

*“ Considering the rival contentions raised by learned counsel for the parties and after going through the records, since the petitioners seek for bifurcation of +2 wing from +3 wing so that staff of respective wings would get their benefits in accordance with law, liberty is granted to the petitioners to file a fresh representation within two weeks hence before opposite party no.2, the Director, Higher Education, Odisha highlighting their grievances in consonance with the judgment dated 08.04.2016 delivered in W.P.(C) No.2253 of 2012 (**Governing Body of Abhimanyu Samanta Singhar College, Balia v. State of Orissa and others**) and in such event opposite party no.2 shall consider and dispose of the same by passing a reasoned order keeping in view the aforementioned judgment as expeditiously as possible, preferably within a period of two months by affording opportunity of hearing to all concerned.”*

4. It is contended that in terms of the said order, though Petitioner filed a detailed representation on 31.10.2023 before the Opposite Party No.2, the Director, Higher Education, Odisha, Bhubaneswar, but Opposite Party No.2 without proper appreciation of the order passed by this Court as well as the decisions governing the field, rejected the claim on the ground, which is not sustainable in the eye of law. It is accordingly contended that the impugned order requires interference of this Court.

5. Learned Addl. Standing Counsel for the State, on the other hand, raised a preliminary issue by stating that pursuant to the order passed by this Court in the earlier writ petition, no such representation was ever filed by the Petitioner within the stipulated time. It is contended that without filing any representation as



directed, the contempt petition was filed for compliance of the order. Opposite Party No.2 in absence of proper materials placed by the Petitioner before him rejected the claim vide the impugned order dtd.04.10.2024 under Annexure-10. Learned Addl. Standing Counsel accordingly contended that let the Petitioner file a fresh representation before Opposite Party No.2 along with supporting the documents and Opposite Party No.2 be directed to take a fresh decision in the matter.

6. Having heard learned counsel for the Parties and after going through the materials available on record, this Court finds that pursuant to the order passed by this Court on 25.01.2024, no representation as such was filed by the Petitioners. No such representation is also enclosed as an Annexure to the writ petition. Therefore, this Court is not unable to accept the stand of the Petitioner that such a representation was filed on 31.10.2023 as contended.

7. Be that as it may, considering the earlier order passed by this Court and the decision governing the field, this Court is inclined to remit the matter to Opposite Party No.2 with quashing of the impugned order dtd.04.10.2024 under Annexure-10. While remitting the matter, this Court directs Opposite Party No.2 to take a fresh decision on the claim raised by the Petitioners. It is observed that if a fresh representation is filed along with the decisions and supporting documents within a period of two (2) weeks from the date of receipt of this order with due acknowledgement, Opposite Party No.2 shall take a lawful decision on the same within a further period of six(6) weeks. Petitioner is directed to produce a copy of this order along with the



representation and the decision supporting their claim before Opposite Party No.2 for compliance.

8. With the aforesaid observations/ direction, the Writ Petition stands disposed of.

(A.K. Mohapatra)
Judge

Anil