IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 2153 of 2021

Poonpun Das & others

Petitioners

Mr. B. Routray, Sr. Advocate instructed by Mr. J. Biswal, Advocate

-versus-

State of Odisha & others

Opp. Parties

Mr. R.N. Mishra, AGA for Opp. Parties 1 to 3

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Mr. S. Patra along with Mr. S. Rath, Advocate for O.P. No.4

CORAM: JUSTICE M.S. SAHOO

ORDER 17.05.2022

Order No.

05.

- 1. This matter is taken up through hybrid mode.
- 2. Mr. S. Patra submits that he has instruction to appear and shall file vakalatnama on behalf of opposite party no.4. Prayer is allowed. Vakalatnama be filed within ten working days.
- 3. Copy of the writ petition be served on learned counsel for opposite party no.4 by the learned instructing counsel.
- 4. The writ petition has been filed by the petitioners challenging the order dated 15.01.2021 (Annexure-10) issued by the Regional Director of Education, Bhubaneswar (opposite party no.3) observing the

following:-

"xxx xxx after examination of the facts of the case, the Grant-in-Aid/Block Grant released towards salary and other purposes in favour of the following employees of Vyasanagar Autonomous College, Jajpur Road, Dist-Jajpur is hereby withdrawn with effect from June, 2020 as per Section 7(D) of the Orissa Education Act, 1969.

- 1. Smt. Poonpun Das, Lecturer in Zoology
- 2. Sri Bibekananda Jena, Lecturer in Mathematics
- 3. Sri Dillip Kumar Rout, Lecturer in English"
- 5. This matter has been listed along with FAO Nos.717 and 718 of 2020 as directed by order dated 27.01.2021.
- 6. Learned Addl. Govt. Advocate reiterates the submissions made in the counter affidavit filed in the connected FAO Nos.717 and 718 of 2020.
- 7. Learned Senior Counsel for the appellant submits that the matter is heard on some length regarding interpretation of Section 7-D of the Orissa Education Act, particularly the provisions: Sections 7-D(1)(x), (xii) proviso, 7-D(2), 7-D(3) as well as the provisions of the Orissa Education (Establishment, Recognition and Management of Private Colleges) Rules, 1991 particularly Rule 21 i.e.

Constitution of the Governing Body and the role of a Principal as ex-officio member of the Body; Rule 25 i.e. Governing Body of Aided College particularly Rule 25 (1)(ii), role of a Principal as ex-officio Secretary.

- 8. It is contended by the learned Sr. Counsel for the appellant that the purported ground of the withdrawal of the grant-in-aid cannot be sustained in view of the statutory provisions as referred above.
- 9. Learned Addl. Govt. Advocate has filed counter in the connected FAO Nos.717 and 718 of 2020 and relying on the counter affidavit at para-7 submits that in view of the pendency of Vigilance Cases against the appellants on the allegations of preparation of false and fabricated resolution of the Governing Body of the College/manipulation of office records, the Grant-in-Aid has been withheld.
- 10. In view of the deliberations in the court, the learned Addl. Govt. Advocate seeks further time to obtain instruction.
- 11. As prayed for, list on 6th July, 2022.

I.A. No.1241 of 2021

- Copy of the I.A. has been served on the learned Addl.
 Govt. Advocate.
- 2. It is fairly submitted by the learned Senior Counsel

for the petitioners that the petitioners shall agree for any reasonable pre-condition to be imposed by the authority for release of the current salary in view of the fact that the selection of the petitioners is approved, they are continuing in their job and are going without salary leading to lot of difficulty and hardship.

3. Learned Addl. Govt. Advocate submits that he may be granted further time to obtain instruction.

