

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.16885 of 2021

Shri Tushan Kanti Sahu

....

Petitioner

Mr.S. Palit, Advocate

-versus-

Union of India and Others

....

Opp. Parties

Mr.P.K. Parhi, A.S.G.

CORAM:

THE CHIEF JUSTICE

JUSTICE SAVITRI RATHO

ORDER

04.06.2021

Order No.

02.

1. This matter is taken up by video conferencing mode, in the Vacation Court.

2. This is a petition seeking a writ of quo warranto questioning the legality of the appointment of Opposite Party No.4 as Additional Professor, Pediatric Surgery in AIIMS, Bhubaneswar, which from the documents placed on record, was made way back in April, 2016.

3. When questioned both about the locus standi of the Petitioner, who describes himself as a retired Director of the Steel Authority of India Ltd. and a close friend of the person who procured information under the R.T.I. Act (who incidentally is not a co-Petitioner) as well as the delay in filing the petition five years after the appointment, Mr. S. Palit,

learned counsel for the Petitioner places reliance on a series of decisions of the Supreme Court including *The University of Mysore v. C.D. Govinda Rao AIR 1965 SC 491*, *N. Kannadasan v. Ajoy Khose (2009) 7 SCC 1* and *Central Electricity Supply Utility of Odisha v. Dhobei Sahoo (2014) 1 SCC 161*.

4. The apprehension expressed by the Petitioner is regarding the further promotion of Opposite Party No.4 as Professor which, Mr. Palit points out, has not yet taken place due to the COVID-19 situation.

5. Subject to the Petitioner satisfying the Court about the maintainability of the petition, issue notice.

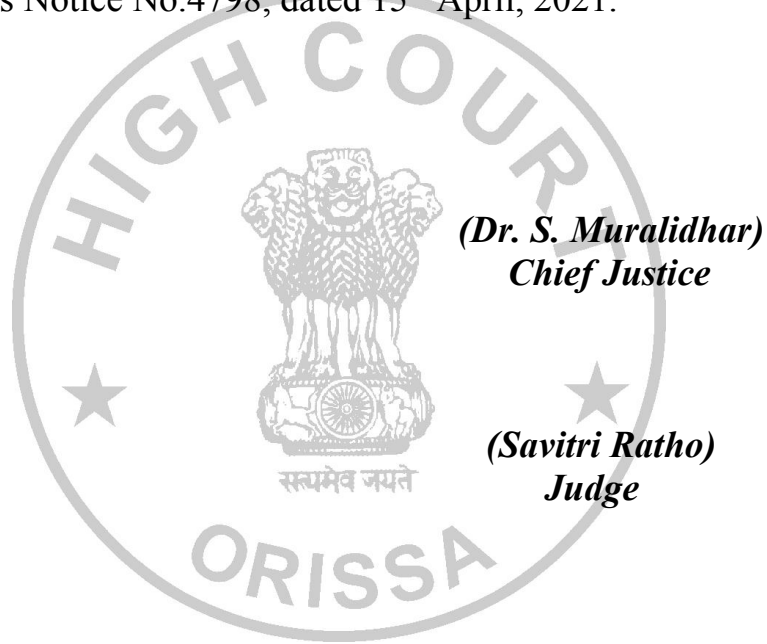
6. Mr. Parhi, accepts notice on behalf of Opposite Party Nos.1, 2 and 3 and states that replies will be filed within six weeks.

7. Notice be issued to Opposite Party No.4 by registered Speed Post with A.D. requisites for which shall be filed within three working days. Tracking report be placed on record by the next date. Opposite Party No.4 will also file a reply within four weeks of the service of notice. Rejoinder thereto, if any, be filed before the next date.

8. All steps taken by Opposite Party Nos.1 to 3 in the matter of the promotion of Opposite Party No.4 in the meanwhile, will be subject to the outcome of the writ petition.

9. List on 6th September, 2021.

10. As the restrictions due to resurgence of COVID-19 situation are continuing, learned counsel for the parties may utilize a printout of the order available in the High Court's website, at par with certified copy, subject to attestation by the concerned advocate, in the manner prescribed vide Court's Notice No.4587, dated 25th March, 2020 as modified by Court's Notice No.4798, dated 15th April, 2021.



KC Bisoi