



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P(C) No.20796 of 2026

An application filed under Article 226 and 227 of the Constitution of India.

Dr. Madhubrata Satpathy

.....

Petitioner

Mr.Dillip Kumar
Mohapatra, Advocate

Along with
Mr.Balaram Behera,
Advocate

-versus-

State of Odisha & Ors.

.....

Opposite Parties

Mr.Unmesh
Chandra Jena, A.S.C. for
the State-Opp. Parties

CORAM:

JUSTICE A.K. MOHAPATRA

Date of Hearing : 21.07.2026 | Date of Judgment: 23.07.2026

A.K. Mohapatra, J. :

1. The Petitioner, who is working as an Associate Professor in Economics at BJB Autonomous College, Bhubaneswar, has approached this Court by filing the present writ application with a prayer for a direction to the Opposite Parties by issuing a writ of mandamus to the Opposite Parties to approve the name of the



Petitioner as Principal-in-Charge of the abovenamed college as per the recommendation of the previous Principal vide letter No.1749 dated 20.04.2026 at Annexure-6. The background facts of the present writ application, in a nutshell, is that the Petitioner was initially appointed as a Junior Lecturer in the Department of Economics in Sailabala Women's College on 18.12.1991. While working as such, the Petitioner got promoted to the post of Associate Professor (Stage-III) on 15.09.2018. Furthermore, while continuing as Associate Professor (Stage-III), the then Principal of the BJB Autonomous College vide letter No.2953 dated 08.09.2022 recommended the name of the present Petitioner, along with other Associate Professors to the Government, for appointment the Petitioner as Vice Principal-in-Charge of the college, i.e. the post which was lying vacant. In the said letter, it has been specifically mentioned that the post of Vice Principal is lying vacant since 01.03.2021 after retirement of the erstwhile Vice Principal.

2. As per the recommendation of the then Principal of the college vide letter dated 08.09.2022 at Annexure-2, the Government was pleased to approve the name of the Petitioner for the post of Vice Principal in addition to her own duty until further



orders with a direction to the Principal to assign the work of Vice Principal to the petitioner. A copy of such appointment letter dated 07.10.2022 has also been filed along with the writ application as Annexure-3. Pursuant to the aforesaid letter of the Government, the Petitioner was allowed to function as Vice Principal-in-Charge of the college vide office order dated 10.10.2022 of the Principal of the college.

3. Such appointment of the Petitioner as Vice Principal-in-Charge of the abovenamed college continued till appointment of the regular Vice Principal of the college. On the appointment of a regular Vice Principal of the BJB Autonomous College, the tenure of the Petitioner as Vice Principal-in-Charge of the college came to an end and, thereafter, she was transferred to some other college. It is apt to mention here that such transfer of the Petitioner was questioned by the present Petitioner on the ground of legality and validity of such order of transfer by the Government. Accordingly, the Petitioner filed two writ applications bearing W.P.(C) No.5152 of 2026 and W.P.(C) No.4704 of 2024. Both the writ applications were disposed of vide a common order thereby quashing the order of transfer of the Petitioner. Thereafter, the Petitioner submitted an undertaking to the effect that she is ready



to work as Associate Professor and will not insist upon working as Vice Principal-in-Charge of the college.

4. While this was the position, and the Petitioner was continuing as an Associate Professor at BJB Autonomous College, Bhubaneswar, the then incumbent Principal, namely Dr. Rita Das, Professor in Chemistry, took retirement from service on attaining the age of superannuation with effect from 30.06.2026. As per the practice and procedure, the outgoing Principal submitted the names of three senior-most Associate Professor to the government for approval of their names as Principal-in-Charge of the college in question, as per their seniority, vide letter No.1749 dated 20.04.2026. On a perusal of the letter at Annexure-6 to the writ application, it appears that names of three persons were recommended by the outgoing Principal on the basis of their seniority, which is reproduced below:-

Sl. No.	Name & Designation	Date of Birth	Date of entry in to Govt. service (OES)	Govt. Notification as per OPSC recommendation	Date of Associate Professor	Remarks
1.	Smt.Jayanti Behera, Associate Professor of Zoology	02.10.1966	24.01.1990	No.1923/EYS, Dt.12.01.1990	24.01.2011	Submitted an application expressing unwillingness for consideration as Principal, I/c (copy attached)



2.	Dr. Madhubrata Satpathy, Associate Professor of Economics	25.09.1966	18.12.1991 (adhoc) 17.11.1992 (OPSC)	No.58002/EYS, Dt.12.12.1991 No.53295/EYS, Dt.17.11.1992	15.09.2023	
3.	Dr. Kanhu Charan Padhy, Associate Professor of Odia	22.10.1968	21.12.1991 (adhoc) 20.08.1992 (OPSC)	No.57955/Edn. Dt.12.12.1991 No.39444/E, Dt.19.08.1992	15.09.2023	

Out of the names recommended by the outgoing Principal, the senior-most teacher, namely Smt.Jayanti Behera, Associate Professor, Zoology, expressed her unwillingness in writing before the government by submitting an application for consideration to act as Principal-in-Charge of the college due to her health condition. As a result, two names remained for consideration. The name of the Petitioner appears at Sl No.2 and name of Dr.Kanhu Charan Padhy, Associate Professor, Odia, appears at Sl No.3. In the writ application, the Petitioner has taken a specific stand that the senior-most person, namely Smt.Jayanti Behera, doesn't possess Ph.D. qualification, whereas the Petitioner, who is at Sl No.2, possesses a Ph.D degree, and as such, she is eligible to be considered for appointment as the Principal-in-Charge of the college. Moreover, the Petitioner has a shorter period of service



left, i.e., 3 months, as she is likely to retire from service on attaining superannuation with effect from 30.09.2026.

5. Heard Mr. D.K. Mohapatra, learned counsel appearing for the Petitioner as well as Mr. U.C. Jena, learned Additional Standing Counsel for the State-Opposite Parties. Perused the Writ Application as well as the documents annexed thereto.

6. Mr. D.K. Mohapatra, learned counsel appearing for the Petitioner, at the outset, contended that the Petitioner whose name appears at Sl No.2 of the recommendation letter at Annexure-6 is the fittest person to be appointed as the Principal-in-Charge of the BJB Autonomous College as the senior-most person, namely Smt.Jayanti Behera, has expressed her unwillingness in writing before the Government. He further contended that as per the practice and procedure, the outgoing Principal shall recommend three senior-most eligible persons for being appointed as the Principal-in-Charge of the college till a regular Principal of the college is appointed. Despite such recommendation in favor of the Petitioner and the senior-most candidate having expressed her unwillingness, the Government has shown inaction in appointing the Petitioner as Principal-in-Charge of the college. Being aggrieved by such conduct of the State-Opposite Parties, the



Petitioner has approached this Court by filing the present writ application.

7. In course of hearing, learned counsel for the Petitioner extensively referred to the letter dated 20.04.2026 at Annexure-6 written by the outgoing Principal of the BJB Autonomous College to the Opposite Party No.1 recommending three names belonging to the OES Officers Cadre for being appointed as Principal-in-Charge of the college and for delegation of heads of office and DDO powers in respect of the BJB Autonomous College, Bhubaneswar. By referring to the aforesaid letter, learned counsel for the Petitioner further contended that since the outgoing Principal was retiring on 30.06.2026, she has recommended the names of three senior-most teaching faculty, who are Associate Professors, and, as such, eligible for being appointed as Principal-in-Charge of the college. Despite such recommendation by the outgoing Principal, the Opposite Party No.1 has not taken any steps to appoint the present Petitioner as the Principal-in-Charge of the college. He further contended that in the absence of a Principal-in-Charge of the college having DDO power, the college, in question, is facing innumerable difficulties. It was also brought to the notice of the Court that this being the admission



season, the office of the Principal of the college remains busy in the process of smooth administration of the admission process and a lot of administrative work is required to be discharged by the office of the Principal. Therefore, in the absence of a regular Principal of the college, the Opposite Parties should have immediately appointed a Principal-in-Charge of the college by conferring the DDO power on such teaching faculty.

8. In course of his argument, learned counsel for the Petitioner laid much emphasis on the eligibility of the present Petitioner by referring to Rule 3(2) of the Odisha Education Service (College Branch) Recruitment Rules, 2020 (referred to as “Rules, 2020”), and contended before this Court that any teaching faculty who is either Assistant Professor (Stage-III) or of higher cadre may be considered for appointment to the administrative and semi-academic post. He further contended that despite the Petitioner having all the eligibility requirements and after her name being recommended by the outgoing Principal, the Opposite Parties have failed to appoint the Principal-in-Charge of the college. It was also contended that the Petitioner being the senior-most teaching faculty available in the college, after unwillingness was expressed by the senior-most teaching faculty, namely,



Smt.Jayanti Behera, has a legitimate expectation to be appointed to the prestigious post of Principal-in-Charge of a reputed college of the state, like the BJB Autonomous College, Bhubaneswar. Moreover, she has only a short tenure before she takes retirement on attaining the age of superannuation with effect from 30.09.2026. In such view of the matter, learned counsel for the Petitioner contended that the Opposite Parties have committed a gross illegality by ignoring the name of the present Petitioner and not giving her appointment to the post of Principal-in-Charge despite unwillingness being expressed in writing before the Government by the senior-most teaching faculty, namely, Smt.Jayanti Behera.

9. Per contra, the learned Additional Standing Counsel representing the State-Opposite Parties filed a copy of the instruction dated 20.07.2026. Several adjournments were taken by the Opposite Parties to file their reply affidavit, however, such affidavit could not be filed in-time and, considering the urgency involved in the matter, this Court proceeded with the hearing of the matter accepting the instruction received by the learned Additional Standing Counsel from the Joint Secretary to



Government, Higher Education Department, vide letter dated 20.07.2026.

10. Learned Additional Standing Counsel, on the basis of the instruction received, submitted before this Court that as per the recommendation of the outgoing Principal at Annexure-6, Smt.Jayanti Behera is presently the senior-most Associate Professor available in BJB Autonomous College, Bhubaneswar. He further contended that Smt.Behera has submitted a representation before the government expressing her unwillingness to discharge the duties of the Principal-in-Charge. Furthermore, such unwillingness doesn't automatically confer any right upon the Petitioner to be appointed as Principal-in-Charge. Acceptance or rejection of such unwillingness is entirely with the discretion of the competent authority.

11. Learned counsel for the State would further refer to the instruction dated 20.07.2026, and submit before this Court that the Petitioner has incorrectly projected herself to be the next senior-most faculty member of the college. Further, on the basis of the instruction, it was argued before this Court that after Smt.Jayanti Behera, Dr.Kanhu Charan Padhy, Associate Professor in Odia, is the senior-most to the Petitioner in regular government service.



Argument was advanced by the learned Additional Standing Counsel on the basis of the instruction to justify that Dr.Kanhu Charan Padhy is senior to the present Petitioner. It was also argued that the ad-hoc service rendered by the Petitioner prior to her regular appointment has never been regularized and the same cannot be reckoned for determining inter-se seniority. On such ground, learned counsel for the State contended that the present Petitioner is not the next senior-most faculty member after Smt.Jayanti Behera.

12. In course of his argument, learned counsel for the State also referred to the provisions contained in Rule-3 of the Rules, 2020. He further submitted that there exists no statutory provision under the Rules, 2020 or under any other statute providing that the senior most or the next senior most faculty member shall automatically be appointed as Principal-in-Charge of the college. Emphasis was laid on the words, “Government shall be competent to appoint” college teachers of the rank of Associate Professor (Stage-III) and above to administrative and semi-academic posts. In view of such provision, learned counsel for the State contended that the Principal-in-Charge being an administrative post, the same is to be filled up by the government having regard to the



administrative suitability, institutional requirements, and public interest and not merely on the basis of seniority. It was also contended that the recommendation of the outgoing Principal vide letter dated 20.04.2026 is recommendatory in nature and that the same can never have any binding effect on the government to appoint any particular person on the basis of such recommendation. It was also contended that no specific qualification has been provided for in any of the rules for appointment to the post of Principal-in-Charge. On such ground, learned counsel for the State contended before this Court that the writ application is devoid of merit and that the Petitioner has no right to claim for appointment to the post of Principal-in-Charge of the college. Accordingly, it was prayed that the writ application be dismissed at the threshold.

13. Having heard the learned counsels appearing for both sides, on a careful examination of the documents annexed to the writ application, further on a careful consideration of the instruction of the Higher Education Department vide letter dated 20.07.2026, this Court observed that in the present writ application, the Petitioner seeks for a direction to the Opposite Parties to act upon the recommendation of the outgoing Principal



of BJB Autonomous College vide her letter dated 20.04.2026 and to appoint the present Petitioner as Principal-in-Charge of the said college. It is true that there is no specific provision regarding appointment of Principal or Principal-in-Charge of any college in the Rules, 2020. The only provision that exists in the Rules, 2020 is Rule 3(2), which provides as follows:-

“3. Constitution of Service and Service condition-

...

(2) The Government shall be competent to appoint college teachers of the rank of Assistant Professor (Stage-III) and above in administrative and semi-academic posts.”

In view of the provisions contained in the aforesaid Rule, any member of the teaching faculty holding the post of Associate Professor (Stage-III) or above could be considered for appointment to any administrative and semi-academic post. It is not disputed that the post of the Principal-in-Charge is an administrative post. The question therefore arises as to whether the Petitioner is eligible to be appointed as the Principal-in-Charge of the BJB Autonomous College, Bhubaneswar?

14. So far the factual background of the present case is concerned, it is not disputed that the present Petitioner is working as the Associate Professor in Economics in BJB Autonomous



College, Bhubaneswar. It is also a fact that the outgoing Principal of the college vide her letter dated 20.04.2026 recommended the names of three senior most faculties having the eligibility criteria for being considered for appointment to the post of Principal-in-Charge of the college. The name of the Petitioner in that list at Annexure-6 appears at Sl No.2. The person whose name appears at Sl No.1, namely Smt.Jayanti Behera, expressed her unwillingness in writing to the government for being appointed as the Principal in-Charge of the college. Therefore, this court presumes that the Government could not have appointed the senior most teaching faculty as the Principal-in-Charge of the college without her consent. The next name that appears in the list is the name of the present Petitioner who is presently working as the Associate Professor of Economics. Therefore, in terms of Rule-3(2) of the Rules, 2020 which is the only eligibility criteria for being appointed to any administrative or semi-academic post, the Petitioner being an Associate Professor above the rank of Assistant Professor (Stage-III) is eligible for such appointment.

15. With regard to the seniority of the present Petitioner vis-à-vis the person whose name appears at Sl No.3 of the list, this Court, on a careful examination of the documents on record found



that the person at Sl No.3, namely Dr.Kanhu Charan Padhy, Associate Professor in Odia has never challenged either his placement or the seniority of the present Petitioner. It is not the case of the Opposite Parties that the abovenamed Dr.Kanhu Charan Padhy has ever assailed the seniority of the present Petitioner. In the instruction dated 20.07.2026, the Opposite Parties have also not disputed the placement of the names and the order in which the same was recommended to the State Government. In fact, in the instruction, it has been stated that such recommendation vide letter dated 20.04.2026 was only recommendatory in nature and that the outgoing Principal recommended three eligible senior faculty members for consideration by the government and did not recommend the Petitioner alone and, therefore, the recommendation cannot be construed as conferring any enforceable right upon the petitioner. The aforesaid statement in the instruction dated 20.07.2026 appears to be perfectly justified and legal. While referring to the letter dated 20.04.2026, the Opposite Parties have not disputed the seniority of the persons and the order in which their names have been recommended to the government. It has only been stated that



such recommendation doesn't call for any enforceable right upon the Petitioner.

16. On a careful analysis of the factual background of the present case, this Court found that the outgoing Principal of the college has retired from service on attaining the age of superannuation with effect from 30.06.2026. Before her retirement, she had recommended the names of three senior-most faculty members to the Government, vide her letter dated 20.04.2026 at Annexure-6. Although such recommendation was made in the month of April 2026, till date no steps have been taken to either select a regular Principal of the college or to appoint a Principal-in-Charge of the college. Considering the fact that the BJB Autonomous College, situated in the heart of the Bhubaneswar city, is one of the premier educational institutions of the state, it carries a lot of importance in the field of education. Lot of students are interested in pursuing their studies in the said prestigious institution. Moreover, the usual admission process of the students takes place in the month of July, and the academic session commences in the month of August. At this crucial juncture, a premier educational institution of the state is functioning without an administrative head. Nothing was brought



on record to satisfy this Court that the process has commenced to appoint a regular principal of the college. It has already been observed by this Court that despite the recommendation in April 2026, the Opposite Parties sat over the matter and, for the first time in their instruction, they are raising a dispute with regard to the seniority of the present Petitioner, even though the name of the Petitioner has already been recommended by the outgoing principal of the college on the basis of her seniority at Sl No.2 of the letter dated 20.04.2026.

17. Taking into consideration the surrounding facts and circumstances as well as the inaction on the part of the State-Opposite Parties to appoint a regular principal, this Court has enough reason to draw an inference that the state machinery is not interested in appointing the Petitioner as the Principal-in-Charge of the college for reasons best known to them. Moreover, the Petitioner being the second senior-most faculty after Smt.Jayanti Behera, who had expressed her unwillingness, has a legitimate expectation to reach the highest office of the institution where she has been working. She also has the requisite qualification for being considered for appointment to the post of Principal-in-Charge. In the aforesaid factual backdrop, this Court is of the



considered view that the inaction of the Opposite Parties in appointing the Petitioner as the Principal-in-Charge of the college till appointment of the regular principal is highly illegal and arbitrary.

18. In view of the aforesaid analysis of the factual position, further taking note of the contentions raised by counsels appearing for both sides and the instruction received from the Higher Education Department vide letter dated 20.07.2026, this Court is of the view that the Petitioner, who happens to be a lady faculty member of the BJB Autonomous College, has been discriminated against by the government. As such, the Opposite Parties have violated the principle enshrined in Article 14 of the Constitution of India. Moreover, Dr.Kanhu Charan Padhy, whose name appears at SI No.3 of the letter dated 20.04.2026, having not challenged the seniority of the present Petitioner, this Court presumes that the present Petitioner is the second senior-most teaching faculty member, especially after the expression of unwillingness by the senior-most teaching faculty member, who is the most suitable and eligible person to be appointed as the Principal-in-Charge of the BJB Autonomous College, Bhubaneswar. In such view of the matter, this Court, in the larger public interest, directs the Opposite



Party No.1 to immediately appoint the Petitioner as the Principal-in-Charge of the BJB Autonomous College, Bhubaneswar, with a further direction to the Petitioner to take over charge immediately. The Opposite Party No.1 shall do well to issue the appointment letter within a week from the date of production of a copy of today's order by the Petitioner. However, it is further made clear that such appointment of the Petitioner as Principal-in-Charge shall be in force till appointment of a regular principal of the abovenamed college.

19. Accordingly, the writ application stands allowed. However, there shall be no order as to costs.

(A.K. Mohapatra)
Judge

Orissa High Court, Cuttack
The 23rd July, 2026/ Anil/ Jr. Steno