



**A.F.R.**

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**W.P(C) No.25805 of 2023**

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

***Dr. Durga Shankar Pattanaik*** .....

***Petitioner***

Mr.Ishwar Mohanty,  
Advocate

*-versus-*

***State of Odisha & Ors.*** .....

***Opposite Parties***

Smt.Sasmita Nayak, A.S.C.  
for the State-Opp. Party

Mr. Dayananda Mohapatra,  
Senior Advocate  
(for O.P. Nos.3 to 5)

**CORAM:**

**JUSTICE A.K. MOHAPATRA**

---

**Date of Hearing : 29.04.2026 | Date of Judgment: 23.07.2026**

---

**A.K. Mohapatra, J. :**

1. The present Writ Petition, under Articles 226 and 227 of the Constitution of India, has been preferred by the Petitioner, Dr. Durga



Sankar Pattnaik, a Professor in the Post-Graduate Department of Geology, Utkal University, assailing the Office Order No.5402 dated 31.05.2023 (at Annexure-1) issued by the Registrar, Utkal University. The Petitioner has also made a further prayer for a direction to the Opposite Parties No.3 and 4 to reinstate him to the post of Chairman, P.G. Council, with immediate effect.

## **FACTUAL MATRIX OF THE CASE**

---

2. The Petitioner is a senior Professor in the P.G. Department of Geology, Utkal University. The factual matrix, as borne out from the pleadings and annexures placed before this Court, may be summarised as follows; initially, being the senior-most Professor at the relevant time, the Petitioner had held several administrative assignments in the University, viz. Warden, P.G. Hostels, vide office order dated 22.12.2020 (Annexure-5); Member of the Syndicate of the University vide notification dated 27.10.2021 (Annexure-6) and in-charge Chairman, P.G. Council, with effect from 01.03.2022 vide office order dated 28.02.2022 (Annexure-7), pursuant to which the then Chairman, namely Professor Basant Kumar Mallik, was required to hand over charge of the office to the Petitioner. While continuing as in-charge Chairman, the Petitioner came to be appointed as regular Chairman, P.G. Council vide Office Order No.



15939 dated 31.05.2022, at Annexure-2, under Statute 252(2), for a term of two academic years with effect from 01.06.2022, or his date of superannuation from University service, whichever is earlier, or until further orders. In this manner, the Petitioner continued to hold the office of Chairman, P.G. Council, on an in-charge basis from 01.03.2022 and thereafter on a regular basis from 01.06.2022 till 31.05.2023, a continuous tenure of about fifteen months.

3. While this was the position, the Vice-Chancellor, Utkal University, vide impugned Office Order No.5402 dated 31.05.2023, at Annexure-1, appointed Opposite Party No.5, Dr. Navaneeta Rath, Professor, P.G. Department of Sociology, as Chairman, P.G. Council with effect from 01.06.2023. Note No.2 of the memo to the said office order also required the Petitioner to hand over charge of the office to Dr. Rath. It is the Petitioner's case that although Opposite Party No.5 was shown to have been appointed w.e.f 01.06.2023, the University administration permitted the Petitioner to discharge his duties as Chairman on that very date, and it was only after office hours on 01.06.2023 that he was informed of his removal. Aggrieved, the Petitioner addressed a representation dated 02.06.2023, at Annexure-8, to the Chancellor of Universities, Odisha, Bhubaneswar-Opposite Party No.2, narrating the circumstances of his



removal and praying for rescission of the appointment of Opposite Party No.5 and his own reinstatement. It is averred that the said representation, though duly received in the office of the Chancellor, remained undisposed of, compelling the Petitioner to approach this Court by way of the present writ petition with the prayer as mentioned hereinabove.

### **CONTENTIONS OF THE PETITIONER**

---

4. Heard Mr. Ishwar Mohanty, learned counsel appearing for the Petitioner. At the very outset, the learned counsel for the Petitioner has referred to the 'Odisha University First Statute, 1990' (hereinafter 'statute, 1990'), as amended in the year 2012, specifically section 252(2) thereof and contended that it mandates a fixed tenure of two academic years for the Chairman, P.G. Council, to be filled on a seniority-cum-rotation basis. He further submitted that section 252(1) contemplates only one Chairman of the P.G. Council at a time. It was stated that the Petitioner, having been appointed by Office Order dated 31.05.2022 for a term of two years with effect from 01.06.2022, was entitled to continue in the said office until 31.05.2024. Since no order was passed terminating the Petitioner's appointment, his removal on 31.05.2023, i.e., after completion of barely one year of a two-year term, and the simultaneous appointment of Opposite Party No.5 as Chairman with effect from



01.06.2023, while the Petitioner's own term as per the appointment order had not expired, is contrary to the very scheme of the Statute and renders the impugned order void and unsustainable.

5. Learned counsel for the Petitioner further contended that the Petitioner was removed from the office of Chairman without issuance of any show-cause notice, without affording any opportunity of hearing, and without any inquiry whatsoever into the grounds, if any, that may have weighed with the Vice-Chancellor. This, according to the learned counsel for the Petitioner, constitutes a flagrant violation of the principles of natural justice. Learned counsel further stated that although the impugned order, read on its face, may appear to be an innocuous administrative reassignment, the true and real character of the order stands exposed by the stand subsequently taken by Opposite Parties No.3 and 4 in their counter affidavit, particularly in paragraphs 3 and 7 thereof, wherein it has been categorically averred that "the Vice Chancellor being the Academic Head of the University found the performance of the Petitioner was not satisfactory during 15 months of his tenure as Chairman, P.G. Council" and that the Vice-Chancellor was subjectively satisfied that the performance of the Petitioner was not satisfactory during his incumbency for 15 months. It was contended that these averments cast a



clear aspersion upon the Petitioner's competence and performance, thereby attaching stigma to an otherwise unblemished career, and that an order which is stigmatic in substance cannot be shielded merely because its language, on the face of it, appears innocuous.

6. In support of the proposition that courts may lift the veil of an apparently innocuous order to ascertain its real, stigmatic character, learned counsel for the Petitioner has placed reliance on the decision of the Hon'ble Supreme Court in ***Babu Lal v. State of Haryana***, reported in ***(1991) 2 SCC 335***, wherein, at paragraph 9, it was held that it is well settled by several decisions of the Court that though an order is innocuous on the face of it, the Court, if necessary, for the ends of fair play and justice, can lift the veil and find out the real nature of the order, and if it is found that the impugned order is penal in nature even though couched as an order of termination in accordance with the terms and conditions of the order of appointment, the order will be set aside.

7. Additionally, the learned counsel referred to ***Hardeep Singh v. State of Haryana***, reported in ***[1987] 3 SCR 1138***, wherein the Hon'ble Supreme Court, examining the discharge of a police constable, held, with reference to the averments made in the respondent-State's own counter affidavit, that the impugned order was in substance and effect made by



way of punishment after considering the service conduct of the Petitioner therein, that it cast a stigma on his service career, and that he was consequently entitled to the protection of Article 311(2) of the Constitution. It was urged by the learned counsel that the present case is squarely covered by this principle, inasmuch as the stand taken by the University in its counter affidavit, attributing unsatisfactory performance to the Petitioner, betrays the true and punitive character of the impugned order. In a similar vein, the learned counsel also referred to ***T. Sree Renga Raja v. The Vice Chancellor, Anna University of Technology, Tiruchirapalli and Others***, reported in ***2012 (1) CWC 803***.

8. The learned counsel thereafter submitted that the Petitioner has held several positions of trust in the University, including Warden of P.G. Hostels, Member of the Syndicate, and in-charge as well as regular Chairman of the P.G. Council, without a single complaint or adverse remark having been recorded against him at any point of time, and that his sudden and unceremonious removal, founded upon an unsubstantiated and untested allegation of unsatisfactory performance, has caused serious prejudice to his career and professional reputation, more particularly when he has since been a candidate for the post of Vice-Chancellor of other public Universities in the State.



9. Finally, learned counsel for the Petitioner submitted that since the Petitioner is due to superannuate from University service on 31.05.2026, it would no longer be possible, even if the writ petition were to succeed, for him to be restored to the office of Chairman, P.G. Council so as to complete the unexpired residue of his two-year term. The petitioner has accordingly prayed that this Court may be pleased to declare the impugned order of removal dated 31.05.2023 to be illegal and arbitrary, and to further declare and deem that the Petitioner has duly completed his tenure as Chairman, P.G. Council for the full term of two academic years, namely, from 01.06.2022 to 31.05.2024.

### **CONTENTIONS OF THE OPPOSITE PARTIES**

---

10. Heard Mr. Dayananda Mohapatra, learned counsel appearing for Opposite Party Nos.2, 3 and 4, along with Mrs. Sasmita Nayak, the learned Additional Standing Counsel. The Opposite Parties have resisted the Petitioner's application on the primary ground that the post of Chairman, P.G. Council is not a promotional or a specified post. It is merely an administrative assignment conferred upon the senior-most Professor in addition to, and without detracting from, his substantive position as Professor of his parent Department. Consequently, withdrawal of the assignment neither amounts to a reversion, nor a termination, nor





does it affect the service conditions, pay, or status of the incumbent as a Professor of the University. Accordingly, no civil consequence ensues from such withdrawal, and the requirement of compliance with principles of natural justice, including issuance of a show-cause notice or grant of an opportunity of hearing, is not attracted.

**11.** Further, referring to the appointment order of the Petitioner, at Annexure-2, the learned counsel for the Opposite Parties contended that the Petitioner's own appointment order dated 31.05.2022 explicitly stipulated that his tenure as Chairman was "for the term of two years w.e.f. 01.06.2022 or his date of superannuation from University service, whichever is earlier or until further orders." It was submitted that the words "until further orders" rendered the appointment conditional and defeasible at the discretion of the appointing authority, and since the Petitioner never challenged the said order containing this stipulation, he is bound by its terms and is estopped from contending that his tenure could not be curtailed prior to the expiry of two years.

**12.** Moreover, the learned counsel submitted that it is well settled principle of law that the authority competent to make an appointment is equally competent to withdraw, modify, or revise the order so made, particularly where the original order itself reserves such a power, as in the



present case. In this context, the learned counsel relied upon the decision of the Hon'ble Supreme Court in *Marathwada University v. Seshrao Balwant Rao Chavan*, reported in (1989) 3 SCC 132, and in particular the observation in paragraph 19 thereof, and contended that the Vice-Chancellor of a University is its principal executive and academic officer, entrusted with the responsibility of the overall administration of academic and non-academic affairs, possessing both express powers (such as the duty to ensure compliance with the act, statutes, ordinances and regulations) and implied powers necessary for the maintenance of discipline within the University, including the magisterial power to act firmly and promptly to put down indiscipline or malpractice. The learned counsel then placed is reliance on Section 6(b) of the Statute, 1990, which charges the Vice-Chancellor with responsibility for the discipline of the University and confers upon him the power to take all steps required for maintaining such discipline.

13. Learned counsel for the Opposite Parties further stated that the Vice-Chancellor, being the Academic Head of the University, in the bona fide exercise of his subjective satisfaction, found that the Petitioner's performance during the fifteen months of his encumbrance as Chairman was not satisfactory, and, without entering into any further inquiry into



that aspect, took the administrative decision, in the interest of smooth functioning of the University, to entrust the office to the next senior-most Professor on a rotational basis. It was submitted that this decision was a conscious one, taken purely in the academic and administrative interest of the institution, and cannot, for that reason, be characterised as illegal, arbitrary, or contrary to law. It was further stated that the Opposite Parties have never intended to, nor have they in fact cast any stigma upon the Petitioner's career. It was clarified that the reference in the counter affidavit to the Petitioner's performance being "not satisfactory" was made bona fide, to explain the administrative exigency necessitating the change, and was not intended to be, nor does it amount to, a stigmatic observation.

14. Learned counsel for the Opposite Parties contended that in order to constitute stigma, an order must be couched in language that imputes something over and above mere unsuitability for the job. To buttress his submissions, learned counsel referred to the decisions of the Hon'ble Supreme Court in *Krishnadevaraya Education Trust v. L.A. Balakrishna*, reported in (2001) 9 SCC 319, and *Pavanendra Narayan Verma v. Sanjay Gandhi PGI of Medical Sciences*, reported in (2002) 1 SCC 520. It was urged that the impugned order, read on its own terms,



contains no such imputation and is prima facie innocuous. That the University has, in fact, treated the Petitioner without any taint of stigma even after the impugned order. It is averred that a No-Objection Certificate was issued to the Petitioner to enable him to apply for the post of Vice-Chancellor of another public University in Odisha pursuant to an advertisement dated 03.06.2025, and that all consequential service benefits have been extended to the petitioner as on 22.01.2026, both of which circumstances, it is submitted, are wholly inconsistent with any intention, express or implied, to stigmatise the petitioner.

- 15.** Lastly, it was submitted that the representation submitted by the Petitioner is stated to be pending consideration before the Chancellor, and the Opposite Party Nos.3 and 4 have undertaken to comply with any further requisition that may be made by the Chancellor in connection therewith. The learned counsel stated that in any event, by efflux of time, the Petitioner's two-year term, even assuming it to have continued without interruption, has since expired, and the relief of reinstatement claimed in the Writ Petition has accordingly become infructuous. In such view of the matter, it was contended that the present Writ Petition is therefore liable to be dismissed both on merits and on the ground of maintainability.



## **ANALYSIS OF THE COURT**

---

- 16.** Heard the learned counsel for the respective parties. Perused the writ petition, the documents available on record and the written submission of the parties. Before proceeding further, it is undisputed that section 252 of the Statute, 1990, as amended in 2012, provides for the constitution of the P.G. Council, with the stipulation that its Chairman shall be appointed by the Vice-Chancellor from amongst the Professors of the University on a seniority-cum-rotation basis for a period of two academic years and that the Petitioner, being the senior-most Professor at the material time, was appointed as regular Chairman, P.G. Council, for a term of two years with effect from 01.06.2022 vide Office Order No.15939 dated 31.05.2022, at Annexure-2. The parties are also ad idem that the impugned order appointing Opposite Party No.5 as the next Chairman with effect from 01.06.2023, does not, in terms, record any reason, much less any adverse reason, for the change of incumbent, and that no show-cause notice was ever issued to the Petitioner or any opportunity of hearing afforded to him before the impugned order was passed.
- 17.** In order to address the larger controversy between the parties, this Court is required to first consider the circumstances surrounding the



appointment of the Petitioner as the Chairman, P.G. Council. The Petitioner was initially appointed as the Chairman under section 252(2) of the Statute, 1990 as amended in the year 2012. The aforesaid section also unambiguously provides that the Chairman shall have tenure of two academic years. Moreover, there is no challenge either to the Petitioner's initial appointment as Chairman of the P.G. Council or to his eligibility for such appointment. The Court must, therefore, proceed on the footing that the Petitioner's appointment was validly made and free from any legal infirmity. On perusal of the order appointing the Petitioner as the Chairman, a copy of which is available at Annexure-2, it can be seen that the Petitioner has been appointed as the Chairman of the P.G. Council for two years starting from 01.06.2022, or the date of his superannuation, or "until further orders". It is this last phrase, "until further orders", upon which the Opposite Parties have staked their justification of the impugned order appointing the Opposite Party No.5, at Annexure-1.

- 18.** So far as the aforesaid phrase "until further orders" is concerned, the submissions advanced on either side merit careful consideration. On behalf of the University, it has been contended that the Petitioner's appointment was not an unconditional conferment of a two-year term. The appointment order of the Petitioner, at Annexure-2, expressly



stipulated, in terms that the Petitioner accepted and acted upon without demur, that his tenure would continue for a period of two academic years or “his date of superannuation from University service, whichever is earlier or until further orders”. It was urged that this expression is neither superfluous nor ceremonial. Rather, it is a condition that qualifies the tenure from the outset and reserves to the Vice-Chancellor, as the appointing authority, the power to pass further orders in relation to the assignment consistent with the administrative exigencies of the University. The Petitioner, having accepted the appointment on these stated terms without challenge, cannot, it is submitted, contend that the Vice-Chancellor was denuded of the very power that the appointment order itself expressly preserved. On behalf of the Petitioner, it is countered that this submission, taken to its logical conclusion, would render the statutory prescription of two-year tenure under Statute 252(2) entirely illusory. It was urged that a reservation of power to pass “further orders” in an appointment otherwise made for a statutorily prescribed fixed term, cannot be so expansively construed as to swallow the very tenure that the Statute itself guarantees. Such a clause is ordinarily understood to preserve administrative flexibility to address contingencies



that may arise during the tenure and cannot operate as a general licence to terminate without reason an appointment made pursuant to a Statute.

19. Having considered these rival submissions, this Court is of the view that the truth lies somewhere between the two extremes urged by the respective parties, and that neither submission, taken in its absolute form, can be entirely accepted. The “until further orders” phrase in the appointment order is not a dead letter. It does, as the University submits, confer upon the appointing authority a degree of administrative flexibility to address situations that render a continuation of the existing arrangement incompatible with the institutional interest. However, this power of modification cannot be read, as the University would have it, as a power exercisable at will, arbitrarily, and for no reason whatsoever. A statutory office with a prescribed tenure carries with it a legitimate expectation of completing that tenure, and a clause of administrative reservation cannot be wielded so as to deprive a legitimate expectation. At the same time, the Petitioner’s submission that any curtailment of the two-year period before its natural expiry requires a formal process akin to disciplinary proceedings is an over-claim that the law does not support. Instead, in the considered view of this Court, the “until further orders” clause does not denude the appointment of all statutory protection. It





equally does not render the tenure indefeasibly fixed against all administrative revision. The Vice-Chancellor retains the power to reconstitute the assignment for genuine administrative reasons, provided he does not act capriciously or in a manner that attaches stigma to the outgoing incumbent without affording him an opportunity to respond.

- 20.** Next, the most strenuously urged ground on behalf of the Petitioner is that the impugned order, though innocuous on its face, is rendered stigmatic by virtue of the averments made by the University in paragraphs 3 and 7 of their counter affidavit, where it has been stated that the Vice-Chancellor found the Petitioner's performance to be unsatisfactory during his limited months of tenure. The Petitioner has contended that courts are competent to lift the veil of an innocuous order and examine the counter affidavit to discern the real nature and purpose of the order. While this proposition, as a general statement of law, is unexceptionable, this Court is of the view that it cannot be mechanically applied without an examination of whether the underlying order, even when its reasons are tested against the averments in the counter affidavit, crosses the threshold that the law has prescribed for stigma. The conceptual foundation of the distinction between termination simpliciter and punitive termination was laid down by the Constitution Bench in



***Parshotam Lal Dhingra v. Union of India***, reported in ***AIR 1958 SC 36*** (specifically paras 27–30 thereof), which held that the substance and legal effect of an order, rather than its form, determine its true character. Building upon this principle, the Hon'ble Supreme Court in ***Dipti Prakash Banerjee v. Satyendra Nath Bose National Centre for Basic Sciences***, reported in ***(1999) 3 SCC 60*** and ***Pavanendra Narayan Verma v. Sanjay Gandhi PGI of Medical Sciences***, reported in ***(2002) 1 SCC 520***, held that an order assumes a stigmatic character where it contains or is founded upon imputations that cast aspersions on the employee's integrity, conduct, character or competence, going beyond a mere assessment of unsuitability for the post and that even if the termination order itself uses neutral language, it may still be stigmatic if it expressly incorporates or refers to documents that accuse the employee of misconduct.

- 21.** Additionally also, it is well established that a court or tribunal is entitled to find out the true nature of the termination order, namely, whether it is punitive or not. In this regard, the form of the order will not be decisive and the court can lift the veil to see the true nature of the order since it is the substance, not semblance, which governs the decision. Upon such exercise, a finding that the order is punitive may then lead to



the conclusion that it is stigmatic or attracts procedural safeguards such as those under Article 311 or the applicable service rules (reference in this regard may be had to *Anoop Jaiswal v. Government of India*, reported in (1984) 2 SCC 369; *Radhey Shyam Gupta v. U.P. State Agro Industries Corporation Ltd.*, reported in (1999) 2 SCC 21 and *Ratnesh Kumar Choudhary v. Indira Gandhi Institute of Medical Sciences, Patna, Bihar & Ors.*, reported in (2015) 15 SCC 151). Likewise, the Hon'ble Supreme Court in *Dipti Prakash Banerjee* (*supra*) has further observed that even if stigmatic material is contained in a document referred to in the termination order, the termination would be deemed to be punitive in nature.

22. Measured against this standard, and bearing in mind the settled legal principle that an order amounts to a stigma only when it is couched in language imputing something over and above mere unsuitability for the job, the impugned order dated 31.05.2023 does not, in the considered view of this Court, cross that threshold. The order itself, read on its terms, is entirely innocuous. It does no more than appoint Opposite Party No.5 as the next Chairman in the ordinary course of rotation, as the next senior-most. Even if the averments in the counter affidavit are taken into account, what they disclose, at its highest, is a subjective assessment by



the Vice-Chancellor, in his capacity as Academic Head, that the Petitioner's performance during his tenure had not been satisfactory in the administrative sense, a conclusion that prompted a change in the rotational assignment. There is no allegation or finding of dishonesty, moral turpitude, dereliction of duty, corruption, or any conduct that could be said to have brought reproach upon the Petitioner personally. The averment pertains to the quality of administrative performance in an additional charge, which is a matter pertaining to administrative suitability.

23. Additionally, although it is also trite law that once the regulations have been framed and detailed procedure laid down therein, in that case if the services of an incumbent are required to be terminated then that can only be done in the manner provided and none else [see *Sukhdev Singh & Ors. v. Bhagatram Sardar Singh Raghuvanshi & Anr.*, reported in (1975) 1 SCC 421 and *State of Kerala v. Mathai Verghese*, reported in (1986) 4 SCC 746], in the instant case, the Petitioner has failed to demonstrate any lapse on the part of the University in adhering to any specific statutory procedure governing his disengagement. Further, the Petitioner has also placed no material on record to point out any



infirmities in the subsequent appointment of the Opposite Party No.5 or suggest that such appointment was tainted in any manner.

**24.** With regard to the nature of the post in question, i.e. Chairman, P.G. Council, it is the consistent position of Opposite Parties No.3 and 4 that the Chairmanship of the P.G. Council is not an independent post in the hierarchy of University service, but is merely an additional administrative assignment conferred upon the senior-most Professor over and above his substantive position in the teaching department. It is not disputed by the Petitioner that the impugned order did not alter his designation, emoluments, seniority, pensionary benefits, or any other service attribute in his capacity as a Professor. He continued to hold his substantive post, draw the same salary, and retain all service benefits uninterrupted before and after the date of the impugned order. In the present case, the Petitioner's substantive rights as Professor remained wholly intact. The only change was the additional administrative charge of the Chairmanship, which, as the Statute itself contemplates, was to rotate among senior Professors.

**25.** Equally, it must be noted that the Counter Affidavit filed by the Opposite Party Nos.3 and 4 does not disclose any conduct on the part of the Opposite Parties which would cast stigma upon the Petitioner's



career. Also, no such instance of performance assessment of the Petitioner by the Vice-Chancellor, in any formal or punitive sense, is borne out from the record. No departmental proceedings appear to have been initiated, no adverse entry was made in the Petitioner's service record, no order of censure or warning was passed, and no communication, in any form, reflecting adversely upon the Petitioner's conduct has been placed on record. In the aforesaid context, the impugned decision of the Opposite Parties appears to the Court to be one taken purely in the administrative interest of the University.

- 26.** Indeed, this Court is of the considered view that the subsequent conduct of the University, in the period following the passing of the impugned order, is consistent with the position that no stigma was intended or attached to the impugned order. As disclosed by the Opposite Parties and not controverted by the Petitioner, the University, upon a request made by the Petitioner himself, issued him a No-Objection Certificate on 18.10.2025 to enable him to apply for the post of Vice-Chancellor of a public University in Odisha pursuant to an advertisement dated 03.06.2025. Moreover, all service benefits were also extended to the Petitioner as on 22.01.2026 without demur or qualification.



27. That apart, it is equally well settled that the extraordinary jurisdiction of this Court under Article 226 of the Constitution is discretionary and equitable in character, and a writ is not issued as a matter of course merely because a legal infirmity is demonstrated. The Court is not bound to grant relief where doing so would constitute a futile or empty exercise, in the sense that no effective, enforceable or meaningful relief can ultimately be afforded to the Petitioner. Where the admitted facts indicate of only one legally permissible conclusion, or where the grant of the writ would not alter the legal position or confer any tangible benefit upon the Petitioner, the Court may, in the exercise of its discretion, decline relief rather than compel a needless formality. At the same time, the doctrine of futility is not to be invoked merely because the original relief sought has become impracticable. If the Court can still mould the relief so as to provide an effective remedy, it ought not to refuse to exercise its jurisdiction on that ground alone (these principles stand reflected in a catena of decisions of the Hon'ble Supreme Court viz. *Sangram Singh v. Election Tribunal*, reported in *AIR 1955 SC 425*; *Ashok Kumar Sonkar v. Union of India*, reported in *(2007) 4 SCC 54*; *Punjab National Bank and Others v. Manjeet Singh and Another*, reported in *(2006) 8 SCC 647*; *Municipal Committee, Hoshiarpur v.*



***Punjab State Electricity Board***, reported in (2010) 13 SCC 216; ***U.P. Junior Doctors' Action Committee v. Dr. B. Sheetal Nandwani & Ors.***, reported in ***AIR 1991 SC 909*** and other similar pronouncements).

28. In the present case, the Petitioner concedes in his own Written Notes that he is due to superannuate on 31.05.2026, which has now passed. The Petitioner has accordingly ceased to be in University service altogether, which means that reinstatement to the office of Chairman, P.G. Council is an impossibility as a matter of fact and law. The two-year term for which the Petitioner was appointed, i.e. 01.06.2022 to 31.05.2024, has itself long since expired. The term of Opposite Party No.5, who was appointed with effect from 01.06.2023, for a period of two years as per the Statute, has also concluded. There is no subsisting office to which the Petitioner could be restored even in theory. It is well settled that where the appointment itself is for a fixed tenure, the tenure ordinarily comes to an end by efflux of time and the incumbent has no right to continue beyond its expiry, then, if during the pendency of the proceedings the tenure has expired and no consequential or other effective relief survives for consideration, a direction for reinstatement to that office would serve no practical purpose and the writ court may, in the exercise of its discretionary jurisdiction under Article 226, decline such





relief as being incapable of implementation [as gathered from the principles governing tenure appointments enunciated in *Director, Institute of Management Development, U.P. v. Pushpa Srivastava*, reported in (1992) 4 SCC 33 read together with the settled principle that relief under Article 226 is discretionary and need not be granted where it would constitute a futile or empty exercise, as recognised in *Sangram Singh* (*supra*), *Ashok Kumar Sonkar* (*supra*) and other decisions cited in the preceding paragraphs].

29. The Petitioner in the present case has not made any prayer for payment of the notional remuneration attached to the Chairman's office for the period of his removal, nor has he set up any claim for perquisites, allowances, or benefits that are unique to the Chairmanship as distinct from his substantive professorial post. In the absence of any such prayer or pleading, this Court is unable to craft or mould any meaningful relief, declaratory or otherwise, that would serve any practical purpose for the Petitioner beyond an academic expression of opinion on a controversy that has spent itself entirely by the efflux of time. The Petitioner has argued, in his Written Note of Submission, that this Court should declare the Petitioner to have completed his tenure as Chairman for the full period of two years, namely from 01.06.2022 to 31.05.2024. This prayer,



however, is essentially a declaratory one that carries no practical consequence in the facts of the present case.

**30.** In ultimatum, for the reasons set out in detail above, this Court concludes that the present Writ Petition, having been overtaken by the combined effect of the passage of time, the Petitioner's superannuation, and the absence of any live or subsisting claim for pecuniary or other consequential relief, has turned moot and no longer survives for adjudication.

**31.** Accordingly, the Writ Petition is hereby dismissed. However, there shall be no order as to costs.

**(A. K. Mohapatra)**  
**Judge**

*Orissa High Court, Cuttack*  
*The 23<sup>rd</sup> July, 2026/ Anil/ Jr. Steno*