
(2016) 02 OHC CK 0044

In the Orissa High Court

Case No : W.P. (C) Nos. 8065 and 18345 of 2013

Anil Kumar Mohanty

APPELLANT

Vs

State of Orissa and Others

RESPONDENT

Date of Decision : 09-02-2016

Acts Referred:

Orissa Education Act, 1969 — Section 3 (d), Section 3(j-1), Section 4

Citation : (2016) 02 OHC CK 0044

Hon'ble Judges : Dr. B.R. Sarangi, J.

Bench : Single Bench

**Advocate : N.K. Mishra, S. Pradhan, A.K. Roy and A. Mishra, for the Appellant;
A.K. Mishra, AGA, for the Respondent**

Final Decision : Allowed

Judgement

Dr. B.R. Sarangi, J.—1. W.P.(C) No. 8065 of 2013 has been filed by Anil Kumar Mohanty, Principal-cum-Secretary of the Regional College, Rambag, seeking to quash the order dated 16.01.2013, by which the Sub-Collector-cum-President of the Governing Body, Regional Junior College, Rambag has directed him to handover the charge of Regional Degree College to opposite party No. 3 (Pramod Kumar Mohanty) immediately within seven days whereas W.P.(C) No. 18345 of 2013 has been filed by Pramod Kumar Mohanty, Principal-cum-Secretary of the Regional Degree College (opposite party No. 3 in W.P.(C) No. 8065 of 2013) seeking for a direction to the Principal-in-charge-cum-Secretary (opposite party No. 4 in this writ petition) to abide by the order of the Sub-Collector-cum-President of the Governing Body, Regional Junior College, Rambag, Annexure-15 by which direction has been given to opposite party No. 4 (Anil Kumar Mohanty) to handover the charge of Regional Degree College to him immediately within seven days. Effectively, W.P.(C) No. 8065 of 2013 has been filed not to give effect to the letter dated 16.01.2013 whereas W.P.(C) No. 18345 of 2013 has been filed to give effect to the said order on the plea that the Regional College, Rambag has been bifurcated as Regional Degree College, Rambag and Regional

Junior College, Rambag having two separate entity and two sets of Governing Bodies and they should be maintained by two separate Secretaries under two sets of Rules.

2. The factual matrix of the case, in hand, is that Regional College, Rambag was established in the year 1988 having got recognition and affiliation as a purely private academic institution having +2 (Higher Secondary) classes only in accordance with Orissa Education Act, 1969. The College in question has been enlisted in 193 non-government aided Junior Colleges and received grant-in-aid as per provisions of the GIA Order, 1994 vide notification dated 17.05.1997. To manage the institution one Satrugana Pradhan was appointed as Principal by the Director, Higher Education. From the Session 1994-95 the Degree wing of the Regional College, Rambag was opened with +3 Arts under the Regional College Governing Body. A separate and distinct Governing Body of degree wing of the said college in the name and style of "Regional Degree College" was formed and forwarded to opposite party No. 2- Director, Higher Education seeking due approval, which has been approved by the Director in its letter dated 02.01.1999. The Governing Body, which has been approved on 02.01.1999, having successfully completed its tenure, was reconstituted in the year 2002 and was accordingly approved by the Regional Director on 26.11.2002. Therefore, the +2 and +3 wings of the College are functioning separately from the academic session 1994-95 with two separate distinct Governing Bodies to manage the institution, may be in one campus and under one roof. Subsequently, the Governing Body of Rambag Degree College resolved to have one administration by merger of the two distinct Governing Bodies and accordingly, all the records of the Degree College as well as the +2 college came into the custody of Anil Kumar Mohanty (petitioner in W.P.(C) No. 8065 of 2013, opposite party No. 4 in W.P.(C) No. 18345 of 2013). The Government in Higher Education Department in order to implement the National Education Policy with regard to separation of the +2 classes from the colleges, took a decision for complete separation of the +2 classes to remain as junior Colleges and +3 classes to remain with the Degree Colleges. Consequentially, running of two separate wings, i.e. bifurcated +2 and +3 wings in one college has been recognized by the Government. To give effect to such bifurcation, the Collector vide letter dated 17.09.2009 wrote to the Principals of all concerned colleges requesting for submission of detail information on college/faculties engaged in respective colleges. Consequentially, the Principal of Regional College, Rambag submitted the resolution dated 05.10.2009 wherein the name of petitioner in W.P.(C) No. 18345 of 2013 has been indicated in serial No. 3 of the list of the staffs of +3 wings of Regional College, Rambag whereas the name of the petitioner in W.P.(c) No. 8065 of 2013 is not available, meaning thereby his name has been indicated in the +2 wing of the college in question, as a result of which, as per the Government decision regarding separation of +2 wings and +3 wings, two distinct separate colleges with separate staffs and administration have been given effect to. Consequent thereof, the Regional Degree College, Rambag has been recognized by the

Government vide notification dated 03.05.2011 entitling the staffs to receive block grant and became an aided educational institution. Accordingly, the claim of the staff of the said college was submitted to the Director-opposite party No. 2. The Director consequentially approved the staff of the said college with their respective salaries w.e.f. 24.05.2011 and also requested the Sub-Collector, Jajpur to take over the charge of the Governing Body of the Regional Degree College, Rambag as its President and to place the senior most approved teaching staff as the Principal in-charge of the said college and to recommend his name for approval of the Govt. as the Principal in-charge-cum-Secretary of the said Degree College. In compliance to the same, the Sub-Collector being the President of the Regional College, Rambag in his letter dated 01.06.2011 asked Anil Kumar Mohanty-opposite party No. 4 in W.P.(C) No. 18345 of 2015 and petitioner in W.P.(C) No. 8065 of 2013 to furnish the name of the approved teaching staffs of the degree college on seniority basis with their willingness to remain in charge of Principal-in-charge-cum- Secretary of the Regional Degree College, Rambag. In compliance to the said order, Sri Anil Kumar Mohanty in his letter dated 25.06.2011 submitted the names of the approved teaching staff of the Regional Degree College, Rambag with their willingness to remain in-charge of the Principal of the said college, wherein the name of Sri Pramod Kumar Mohanty is shown as senior most willing candidate to remain in-charge of the Principal of the said Regional Degree College, Rambag. Accordingly, the Sub-Collector being the President of the Governing Body of the Regional Junior College, Rambag vide its letter dated 29.06.2011 wrote to the Director requesting him to approve the name of Sri Pramod Kumar Mohanty to be the Principal-in-Charge-cum-Secretary of the Regional Degree College, Rambag. Accordingly, the Director approved the name of Sri Pramod Kumar Mohanty as the Principal in charge-cum-Secretary of the Regional Degree College, Rambag, who shall have the power to make all financial transactions on behalf of the College. By the time the name of Sri Pramod Kumar Mohanty was approved as Principal in charge-cum- Secretary of the Regional Degree College, Rambag, +3 wing of the college was continuing as a separate entity. But till separation was made, Sri Anil Mohanty was in possession of all the records of erstwhile Regional College, Rambag and has not handed over the records to Sri Pramod Kumar Mohanty. Subsequently, the Sub-Collector being the President of the Governing Body of the Regional Junior College, Rambag vide his letter dated 16.01.2013 directed Principal, Regional Junior College to handover the charge of the Regional Degree College, Rambag to Sri Pramod Kumar Mohanty which is subject matter of challenge in W.P.(C) No. 8065 of 2013 filed by him. Sri Pramod Kumar Mohanty has filed W.P.(C) No. 18395 of 2013 for compliance of the said order and to allow Regional Degree College, Rambag to run as separate entity with all consequential benefits. Therefore, since both the writ petitions arise out of common question of law and fact, they were heard together and are disposed of by this common judgment.

3. Mr. A. Mishra, learned counsel appearing for the petitioner in W.P.(C) No. 8065

of 2013 urged that there is no separate land, building or infrastructure for establishment of recognition of a separate degree college. The college being a composite one, bifurcation has been done as per advice of the Government and more so there was no direction from the authority to have two Principals after bifurcation in 2009. The accounts of the college are being managed and administered having +2 and +3 wings and there was no separation of accounts. More so, there was no separate affiliation under the University for the Degree College and apart from the same, it is urged that in view of the letter of the Regional Director, Education, dated 24.08.2012 vide Annexure-8 since the modalities of bifurcation of +2 and +3 wings having not been done till date, the direction given by Sub-Collector to handover the charge to Sri Pramod Kumar Mohanty considering him as Principal in charge-cum- Secretary of the Regional Degree College, Rambag is absolutely misconceived one. It is further urged that as per Clause-3 of the letter dated 24.08.2001 that +2 and +3 colleges are operating in the same campus and required to function with harmony and solidarity in every sphere since the complete bifurcation in all respect has not yet been finalized at Government level. Therefore, the direction given by sub-Collector to Sri Anil Kumar Mohanty to handover the charge to Sri Pramod Kumar Mohanty vide his letter dated 16.01.2013 cannot sustain in the eye of law and therefore, he seeks for quashing of the same.

4. Mr. A.K. Mishra, learned Addl. Government Advocate justifying the action of Sub-Collector issuing direction to Sri Anil Kumar Mohanty to handover the charge of the Principal in charge-cum- Secretary of the Regional Degree College, Rambag to Sri Pramod Kumar Mohanty vehemently urged that that Rambag college is not a composite college and as such both +2 and +3 wings are regulated by two separate sets of Management and as such, as per the decision of the Government, action having been taken, Mr. Anil Kumar Mohanty, who is the Principal-in-charge-cum- Secretary of +2 Wing of the College cannot defy the same on some plea or the other save and except to handover charge of the +3 Wing in favour of Sri Pramod Kumar Mohanty.

5. Mr. S.B. Panda, appearing for the petitioner-Pramod Kumar Mohanty in W.P.(C) No. 18345 of 2013 also endorsed the argument made by the State Government and stated that to implement the national policy if the Government has taken a decision to bifurcate +2 and +3 Wings with separate Management with separate sets of rules and consequentially if direction has been given to handover the charge of +3 Wing to Sri Pramod Kumar Mohanty vide impugned order dated 16.01.2013, no illegality or irregularity has been committed by the authority and therefore, this Court should not interfere with the same; rather for smooth and better management of institution itself Mr. Anil Kumar Mohanty should be directed to implement the direction given by the Sub-Collector by handing over the charge to Sri Pramod Kumar Mohanty. More so, the composite status of the college having not been recognized under law and since there is two separate distinct managements with two separate sets of rules governing the field, there is no valid or justifiable reason available with Mr. Anil Kumar Mohanty not to

handover the charge of +3 Wing as per the decision of the Government, which is to be implemented through Sub-Collector vide impugned order dated 16.01.2013. The contention raised that the modalities of handing over the charge have not been fixed by the Government. However, the staffs of the respective college are to be governed and managed under the respective rules.

6. On the basis of the facts pleaded above, the following questions emerge for consideration:

"(i) Whether the Regional College, Rambag has been separated as Regional Degree College, Rambag and Regional Junior College, Rambag or not ?

(ii) Whether Mr. Anil Kumar Mohanty, Principal-in-charge-cum-Secretary of the +2 Wing shall handover the charge to Mr. Pramod Kumar Mohanty, Principal in charge-cum-Secretary of the +3 Wing for smooth administration of the respective Junior and Degree Colleges with separate entity and separate Management?"

7. The educational activities of the State were being regulated through the "Education Code", which is a collection of executive instructions issued by the Government from time to time. But the action taken under the Education Code has been declared as illegal as the Code does not have any statutory support. As a result, it is become increasingly difficult for Government to fulfill their responsibility for management of Educational Institutions, conduct of educational programmes and directions of educational activities. It was not possible to take adequate and timely measures to prevent mismanagement of non-Government institutions. It was, therefore, considered essential to enact what may be called an "Education Act", in which the Government will assume the authority for taking suitable steps to prevent the affairs and management of the non-Government institutions deteriorating. Government will take the authority and responsibility of directing management, administration and maintenance of teaching standards in educational institutions in the State and determining the service conditions, etc. of staff employed in educational institutions. The Act also proposed to give authority to Government to prevent the management of an institution from abusing or misusing the properties that might have been donated by the people for the purposes of the educational institutions concerned, thereby the Legislature of the State of Orissa has enacted "Orissa Education Act, 1969", hereinafter to be called as "the Act, 1969" to help the future development of education. The Act, 1969 has undergone amendment several times. The Act, 1969 lays down the maximum number of High Schools, Higher Secondary Schools and Colleges that may be establish within a Gram Panchayat, a Block or an urban area, as the case may be. The maximum number of such institutions that may be permitted to be established within a gram Panchayat or block are presently not related to the population despite wide diversity as between Gram Panchayats and Blocks. Therefore, legislation was made to regulate establishment of educational institutions to the actual educational needs of the Gram Panchayat, Block or the urban area, as the case may be, without limiting

the maximum number of such institutions that may be established. Further, private educational institutions must conform to certain basic minimum infrastructural and academic standards and for meeting the essential educational need, the institution would be required to fulfill in order to be eligible for recognition as a matter of concern under the Act, 1969. Apart from the same, under sub-section (5) of Section 4 of the Act, 1969, the establishment and recognition of any private educational institutions is subject to the provisions of the Act and Rules framed thereunder. The procedure for filling up of teaching posts in unaided recognized educational institutions should be subject to and in conformity with the criteria, conditions of eligibility, qualifications and procedures prescribed by the Government and consequently, grant-in-aid is also a question to be considered under the provisions of the Act, 1969. The entire endeavour is being made to have better education in the State of Odisha.

8. Section 3 (d) of the Act defines "college", to mean

"an educational institution imparting instructions in higher general education leading to any degree conferred by any of the Universities established under the Orissa Universities Act, Act 5 of 1989."

Section 3(j-1) defines "Junior College" to mean

"an educational institution imparting instructions in Higher Secondary Courses as defined in the Orissa Higher Secondary Act, 1982."

In view of the separate definition as envisaged under the Orissa Education Act, it appears that the institution, which attains its finality in imparting education to the students up to Degree level can only be treated as "college" and institution which imparts instruction course can be considered as Junior College and both have been regulated by two separate set up Acts. Therefore, both "College" and "Junior College" are two separate and distinct entities as per the provisions contained in Orissa Education Act and they are also regulated separately under the rules framed under the provisions of the said Act. The Government issued resolution on 31.07.1989 wherein it was decided to differentiate the +2 Colleges (Junior Colleges) from +3 Colleges (Degree Colleges) in the State and this has been done according to the recommendation made in the National Policy on education, consequence thereof two sets of rules have been introduced, (i) The Orissa Education (Establishment Recognition and Management of private Junior Colleges/Higher Secondary Schools) Rules, 1991 and (ii) The Orissa Education (Establishment, Recognition and Management of Private Colleges) Rules, 1999.

9. As per the provisions of the above rules, Junior Colleges/Higher Secondary Schools (+2 Colleges) and Colleges (+3 wing Degree Colleges) have their separate identity having provision for constitution of Governing Body in respect of both the +2 & +3 Colleges respectively. Accordingly, recruitment of the staffs has to be done in accordance with rules applicable to the respective Junior Colleges/High Secondary (+2) and Colleges with +3 wing (Degree College). Therefore, for all practical purposes, the provisions contained in the Act and

Rules framed there-under do not contemplate a concept of "composite college" though the word "composite" has been inserted in the Orissa (Non-Government Colleges, Junior Colleges and Higher Secondary Schools) Grant-in-aid Order 1994 for bringing the unaided institutions under the fold of Grant-in-aid, but subsequently the same has been deleted in the Grant-in-aid Orders, 2004 and 2008. As the Act and Rules do contemplate such composite status of any college and such inclusion of composite status in the GIA order, 1994 being an erroneous one and the word "composite" used in Grant-in-aid order 1994 being incorporated by way of executive instruction, the same cannot supersede the provisions contained in the Act and Rules governing the field. In view of the such provisions, this Court is of the view that "composite status" is absolutely foreign to the Education Act and the Rules and there is a misconception that because of the composite status, the Junior Colleges (Higher Secondary) and Degree College running in one campus under one roof should have one management and with one Principal, cannot sustain in the eye of law. Therefore, steps were taken by the Government to bifurcate Junior College/High Secondary (+2) College and college (+3) to fulfill the objectives and directives of National Policy on education and to give effect to the same in consonance with the provisions of the Act and rules framed under. Therefore while granting recognition for opening of Junior College/High Secondary (+2) College or Degree College (+3), the Government has to adopt an uniform education structure in all part of the State with objective to adopt 10+2+3 pattern, meaning thereby there should be bifurcation of junior College/Secondary College from that of the college and there should be separation of +2 Wing from +3 Wing as they are regulated by two separate sets of rules and recommendation should be granted in two separate sets of Act.

10. This Court has considered similar questions in Governing Body of Dola Gobinda Braja Kishore Mohavidyalaya -versus- State of Orissa & Others (OJC No. 1486 of 1994 which has been disposed of vide Judgment dated 07.08.1995 (unreported), in para-7 whereof this Court held as follows:--

"7. We have perused the pleadings of the parties and considered the contentions raised on their behalf. Rule 2(i) of the Orissa Education (Establishment, Recognition and Management of Private Junior Colleges/Higher Secondary Schools) Rules, 1991 defines "Junior College" to mean any private junior college which is not established and maintained by the Government of Orissa, the Union Government or the Government of any other State. Rule 2(1)(k) defines "Private Higher Secondary Schools" to mean any Higher Secondary School which is not established and maintained by the Government of Orissa, the Union Government or the Government of any other State. Chapter-II of the said Rules deals with establishment of Private Junior Colleges/Higher Secondary schools. Chapter-III deals with grant of recognition to such institution. Chapter-V which deals with the "management" makes provision in Rule 23 for constitution of Governing Body. In Rule 35 it is provided that the Orissa Education (Management of Private Schools) Rules, 1980, the Orissa Education (Management of Private Schools) Rules, 1979 and the Orissa Education (Establishment and Recognition of Private High

Schools) Rules, 1979 so far as they relate to the matters covered by these rules are hereby repealed. In the proviso to the said rule, it is laid down that notwithstanding such repeal any orders made, action taken or things done under the Rules so repealed shall be deemed to have been made, taken or done under these Rules. Similarly in the case of private college, the Orissa Education (Establishment, Recognition and Management of Private Colleges) Rules, 1991 contain the provision regarding establishment of new college in Chapter-II and accord the recognition to the college in Chapter III and for management in Chapter V. Rule 21 makes provision regarding constitution of the Governing Body. In Rule 33 it is provided that the Orissa Education (Management of Private Colleges) Rules, 1979 are hereby repealed and notwithstanding such repeal any order made, any action taken or anything done under the rules so repealed shall be deemed to have been made, taken or done under these Rules.

On perusal of the relevant provisions of the Act and the Rules, it is clear to us that under the scheme of things therein Junior Colleges/Higher Secondary Colleges and Degree colleges are to be managed as separate entities with separate governing body. The concept of a "composite" college as stated by the petitioner does not appear to be contemplated under the Rules."

(emphasis supplied)

11. Similarly in Governing Body, D.R. Nayapalli +2 College -versus- State of Orissa and Others and Batch of cases O.J.C. Nos. 4581 of 1997 and batch disposed of on 4th July, 2003, this Court took a different view in Paragraph-6 which reads as follows:--

"6. Before parting with the case, we may note that OJC No. 11646 of 1999 has been filed by one Ramesh Kumar Satpathy and others. The said Ramesh Kumar Sapathy claims to be an appointee/staff of D.R. Nayapalli +2 College. He, in fact had filed OJC No. 14305 of 1997, which would show that he was appointed as Lecturer in Mathematics in D.R. Nayapalli College, Nayapalli and not in D.R. Nayapalli +2 College, as alleged in OJC No. 11646 of 1999. Whether his appointment merits approval is a question which may be considered by the appropriate authority in accordance with law.

The prayer made in other writ petitions for release of grant in aid may be considered by the appropriate authority according to law. It is needless to mention that grant-in-aid can be made available only in respect of such members of the staff who has/have been validly appointed"

12. In D.R. Nayapalli +2 College (supra) the judgment in Governing Body of Dola Gobinda Braja Kishore Mohavidyalaya (supra) was not brought to the notice of the Court and this Court in D.R. Nayapalli +2 College (supra) held that +2, +3 Wings running in one campus under one roof should have one Management Committee whereas this Court in Governing Body of Dola Gobinda Braja Kishore Mohavidyalaya (supra) held that Junior College/Higher Secondary College and Degree Colleges are to be managed as separate entities with separate Governing

Body. The concept of a "composite" college as stated by the petitioner does not appear to be contemplated under the Rules and both the judgments have been rendered by the two separate Division Bench. But in Governing Body of Ratanpur Science Degree College, represented through it's Secretary Sri Purandar Biswal-versus-State of Orissa and others, 2012 (Supp.-I) OLR-666, referring to the judgment in Governing Body of Dola Gobinda Braja Kishore Mohavidyalaya (supra) this Court in Paragraphs- 8 & 9 held as follows:--

"8. In the case of D.G.B.K. Mahavidyalaya v. State of Orissa and others (OJC No. 1486 of 1994 decided on 7.8.1995), a Division Bench of this Court analyzing the provisions of law examined the question raised by the petitioners therein, that, since its institution was existing as an intermediary college (re-designated as Junior College) prior to the amendment of the Orissa Education Act and prior to the enforcement of 1991 Rules, its status is not affected by the provisions in the said Rules and the Institution is a composite one having two wings and therefore there is neither necessity nor is there any authority vested in the Director to constitute a separate Governing Body in the Degree College (+3 Course) for which the order of the Director is unsustainable held as follows:--

"7. Xxxx xxxxx xxxxx xxxx

On perusal of the relevant provisions of the Act and the Rules, it is clear to us that under the scheme of things therein Junior Colleges/Higher Secondary Colleges and Degree colleges are to be managed as separate entities with separate governing body. The concept of a "composite" college as stated by the petitioner does not appear to be contemplated under the Rules.

8. Coming to the facts of the case in hand, it is clearly stipulated in the order of Government concurrence for establishment of degree college (Annexure-4) that the management will take steps during the academic session 1991 to run the degree college as a separate entity with separate Governing Body and that the college shall have land registered in its name; that the college shall construct building on its own land and the college shall have furniture, fitting, laboratory equipment as required, and the college shall have qualified teaching staff and non-teaching staff as per yardstick. In the order of the Director dated 27.10.1993 approving reconstitution of the Governing Body of the petitioner's college, Annexure-6, it is specifically stated that the order was passed under Rule 27 of the Orissa Education (Establishment, Recognition and Management of Private Junior Colleges/Higher Secondary Rules, 1991 in respect of the Governing Body of D.G.B.K. +2 Mahavidyalaya, Kasarda. Similarly, in the impugned order Annexure-9, it is specifically mentioned that the Governing Body was constituted for D.G.B.K. Mahavidyalaya +3 Wings, Kasarda. Further from the certificate of registration of societies, which is filed as Annexure-A/2 to the counter affidavit of opposite party No. 2 and Annexure-A to the counter affidavit of opposite party No. 4, it is clear that the Governing Body of D.G.B.K. Mahavidyalaya +3 wings, Kasarada has been registered under the Societies Registration Act, XXI of 1980 as a separate entity. In these circumstances the case of the petitioner cannot be

accepted either on facts or in law. If as urged by him there is difficulty in management of the two college as separate entities, it is for the Governing Body concerned to move the Director and the State Government for sorting out the problems.

Holding thus, the Division Bench found no merit in the writ petition and dismissed the said writ petition.

9. The facts of the present case are also akin to the facts in

the case of D.G.B.K. Mahavidyalaya(supra). This Court, therefore, finds that there is no reason to quash the impugned letter dated 3.2.2003 made Annexure-7 to both the writ petitions."

13. The judgment in Governing Body of Ratanpur Science Degree College(supra) was challenged before this Court in Writ Appeal(Civil) No. 570 of 2011 and this Court dismissed the same vide judgment dated 14.02.2012 and the matter was carried to the Apex Court wherein the judgment of the learned Single Judge has been reaffirmed by dismissing the SLP.

14. In view of such position it is made clear that even though the Junior college/ Secondary College (+2) and Colleges (+3) Degree continuing under one roof and one place with one campus that ipso facto cannot entitle them to claim "composite" status rather they are to be regulated under the separate rules and by separate Acts governing the field.

15. As a matter of fact all Junior Colleges/Higher Secondary schools (+2) have been bifurcated from the College (+3) Wing Degree College and on bifurcation, notification was issued. So far as Regional College Rambag is concerned, the college in question has been renamed as "Regional Junior College, Rambag" and "Regional Degree College, Rambag", pursuant to notification dated 3rd May, 2011 which has been annexed as Annexure-7 to W.P (C) No. 8605 of 2013. Surprisingly Sri Anil Kumar Mohanty has not challenged the said notification in Annexure-7. If the notification remains as it is, then the Regional Degree College, Rambag has to continue with +3 Wings having separate recognition and separate affiliation with separate Governing Body as per the separate sets of rules under the Orissa Education Act. More so the eligible staffs were admitted to grant-in-aid in the shape of Block Grant as per the office order dated 24.05.2011. Sri Pramod Kumar Mohanty being the senior most approved staff, was declared as the Principal-in-charge-cum- Secretary of the Regional Degree College, Rambag (+3) Wing as per office order dated 20.07.2011.

16. So far as factum of modalities to be followed for implementation of such bifurcation referring to letter dated 24.08.2014 (Annexure-8 to the W. P (C) No. 8065 of 2013) is concerned, it is the Government, who was to take necessary steps accordingly but that has got nothing to do with the present case itself. As such, it is the Government, which has directed the Sub-Collector-cum-President of Governing Body to issue necessary direction to Principal in charge-cum-

Secretary of the Regional Junior College, Rambag (+2) Wing to handover the charge to Pramod Kumar Mohanty so far as Regional Degree College, Rambag (+3) Wing is concerned.

17. In that view of the matter this Court is of the considered view that no illegality or irregularity has been committed by issuing the impugned letter dated 16.01.2013 in Annexure-10 to W.P.(C) No. 8065 of 2013 by the Sub-Collector-cum-Governing Body of Regional Junior College, Rambag directing Sri Anil Kumar Mohanty to handover the charge to Pramod Kumar Mohanty, the Principal in charge-cum- Secretary of the Regional Degree College, Rambag (+3 Wing). Therefore, this Court is not inclined to interfere with the same.

18. For the foregoing discussions, W.P.(C) No. 8065 of 2013 is dismissed and W.P. (C) No. 18245 of 2013 is allowed. No cost.