



THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.10405 of 2024
CNR No. ODHHC010212462024

(In the matter of an application under Article 226 and 227 of the Constitution of India, 1950)

Lalit Kumar Dash

.....
-Versus-

Petitioner

State of Odisha and others

.....

Opposite Parties

For the Petitioner

: Mr. S.S. Rao, Senior Advocate
assisted by
Mr. Anish Ankur Mishra, Advocate

For the Opp. Party No.1

: Mr. Debraj Mohanty, AGA

For the Opp. Party Nos.2 and 3

: Mr. Subir Palit, Senior Advocate
assisted by
Mr. D.R. Bhokta, Empanelled Counsel

CORAM:

THE HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

&

THE HON'BLE MR. JUSTICE SIBO SANKAR MISHRA

Date of Hearing: 08.09.2026

Date of Judgment: 10.09.2026

S.S. Mishra, J. Judicial office is an office of trust. The authority exercised by a Judge derives not only from the law, but also from the confidence that the institution commands in the eyes of the public. Integrity, therefore, is not an incidental attribute of judicial service; it is its very foundation. A Judicial Officer is required to maintain the



highest standards of honesty, impartiality, independence and propriety, both in judicial and administrative functioning. Even a perception of impropriety may have consequences far beyond the individual, as it may erode the confidence which is indispensable for the effective functioning of the justice delivery system.

However, the requirement of maintaining unimpeachable standards of judicial conduct does not dispense with the necessity of fairness and objectivity in assessing the service record of a Judicial Officer. An adverse entry in the Confidential Character Roll is not an innocuous observation. It may have a direct bearing upon the career, reputation and future prospects of the Officer concerned. Such an assessment, therefore, must be made on the basis of relevant material, after due consideration of the overall performance and conduct of the Officer, and must withstand the test of fairness, reasonableness and objectivity.

The controversy in the present writ petition lies at the intersection of judicial accountability and fairness in service assessment. The petitioner has called in question the adverse remarks recorded in his Confidential Character Roll (hereinafter referred to as



the “C.C.R.”) and the grading awarded to him as “Average” for the period from 01.01.2021 to 31.12.2021. The petitioner, Lalit Kumar Dash, is an Officer belonging to the Orissa Superior Judicial Service. He has approached this Court seeking quashing of the adverse entry recorded in his C.C.R., which was communicated to him vide impugned Letter No. 15739 dated 15.10.2022 under Annexure-1, as well as the subsequent Letter dated 19.10.2023 under Annexure-4, whereby his representation seeking expunction of the adverse remarks was rejected.

The factual matrix and genesis of grievance

2. The case of the petitioner, as pleaded in the writ petition, is that:-

(a) He has called in question the adverse entries recorded in his C.C.R. and the grading awarded to him for the period from 01.01.2021 to 31.12.2021. The petitioner has also assailed the communication dated 15.10.2022 issued by the Special Officer (Administration), whereby the adverse remarks recorded in his C.C.R. were communicated to him, as well as the subsequent communication dated 19.10.2023, whereby his representation seeking reconsideration and expunction of the said adverse remarks came to be rejected.



According to the petitioner, the impugned action is contrary to law, has been taken without proper consideration of the materials on record and is also in violation of the principles of natural justice.

(b) It is the further case of the petitioner that he has had a long and satisfactory service career and, throughout his tenure in different posts, discharged his duties with sincerity, honesty and dedication to the utmost satisfaction of the authorities. According to him, during his otherwise unblemished service career, he had never been found at fault nor had he received any adverse comment or remark until his tenure as Registrar (Judicial) in the Registry of this Court.

(c) Before advertng to the specific grievance of the petitioner, it has been pleaded that he joined service as a Civil Judge (Junior Division) on 17.11.1997 and thereafter served in different capacities, including as Assistant Registrar (Administration) in the Registry of this Court, Protocol Officer, District Judge and Registrar (Vigilance). He joined as Registrar (Judicial) in the Registry of this Court on 13.01.2020 and was relieved from the said post on 14.02.2021. Thereafter, he joined as ADJ-cum-Special Judge, Dhenkanal, on



14.02.2021 and subsequently served as Judge, Family Court, Bhawanipatna.

(d) The principal grievance of the petitioner is with regard to the adverse remarks communicated to him vide letter dated 15.10.2022 in respect of the C.C.R. grading for the period from 01.01.2021 to 31.12.2021. According to the petitioner, adverse observations were recorded against him under different heads, particularly with regard to his responsibilities, execution of instructions and knowledge of applicable rules, with an allegation that such deficiencies had led to incorrect decisions being taken while he was functioning as Registrar (Judicial).

(e) The adverse remarks communicated to the petitioner, as reflected in the C.C.R., may be noticed in a tabular form for convenience:

(a) (ii)	Report on the Officer's qualities (Report should be in narrative form and should indicate officer's sincerity and dedication to work, zeal, initiative and willingness to take up the responsibilities. Remarks should be substantiated by examples.)	Not willing to take up work or responsibilities. Poor in execution of instructions. Cannot be entrusted with administrative responsibilities.
(iii)	Report on Officer's abilities (The report should be in narrative form to cover the administrative and technical abilities, alertness, decision making, skill in noting and drafting, interpersonal relation, supervisory ability.)	Needs a lot of improvement.



(iv)	Report on knowledge and performance: (The report should be in narrative form, and cover knowledge of rules, regulations and procedure, capability to acquire and use information, dealing and disposal of cases, and other official business, implementation, supervision and monitoring of projects and programmes.)	Rather poor knowledge of applicable rules, leading to incorrect decisions being taken on the administrative side during his tenure as Registrar (Judicial) under the Acting Chief Justice, (name withheld).
(vii)	Attitude and potential (Please indicate the fields among the following in which the Officer has shown higher aptitude or the potential of possible career development)	
1.	Personal Administration	No
2.	Financial Management	No
3.	Planning of Work	No
(viii)	Integrity	Not trustworthy.
(ix)	Grading	Average

(f) It is specifically pleaded by the petitioner that the then Chief Justice took charge of the office on 04.01.2021 and that the petitioner, while functioning as Registrar (Judicial), could serve under the then Chief Justice only for a period of 42 days, as he was relieved from the said post on 14.02.2021. According to the petitioner, despite having served as Registrar (Judicial) for only the aforesaid period, he was assessed in respect of the entire year 2021. It is further pleaded that, for the remaining period of the year, when he served at Dhenkanal and Kalahandi, he had achieved the prescribed yardstick and had not been reported adversely by the concerned Administrative Judges.

(g) The petitioner has further pleaded that, having never been communicated with any adverse C.C.R. during his long service career,



he was aggrieved by the adverse entry communicated to him vide letter dated 15.10.2022. He, accordingly, submitted a representation dated 02.12.2022 seeking reconsideration of the adverse remarks. As the grievance remained unresolved, he submitted another representation dated 17.08.2023 seeking reconsideration of the adverse entry recorded for the year 2021. However, the said representation was rejected by the Special Officer (Administration) vide communication dated 19.10.2023.

(h) It is the further case of the petitioner that throughout his service of about 25 years, he discharged his duties with due diligence, sincerity and punctuality and that his judicial orders passed in different courts were also upheld by the higher forums, including this Court. On such premise, the petitioner contends that the adverse remarks contained in the communication dated 15.10.2022 and their subsequent confirmation by communication dated 19.10.2023 are misconceived and baseless.

(i) The petitioner has also specifically challenged the adverse remarks relating to his performance during his tenure as Registrar (Judicial). According to him, during the Covid-19 pandemic, when the



functioning of the Courts was being carried out with limited staff and from different locations, he had coordinated with the officers and staff and ensured the smooth functioning of the Court. He has, therefore, contended that the adverse remarks concerning his ability and performance were unwarranted, particularly when no specific instance had been cited in support of such assessment.

(j) With regard to the observation that the petitioner had poor knowledge of the applicable rules resulting in incorrect decisions being taken on the administrative side, it is his specific case that the relevant notes had been prepared and submitted in accordance with the instructions of the then Acting Chief Justice. The petitioner claims that, in the notes submitted by him concerning promotional matters, the relevant rules, law and procedure had been set out and that the notes specifically recorded that they were being submitted “as directed by your Lordship”. On this basis, the petitioner contends that there was neither any intentional error nor any deliberate mistake on his part.

(k) The petitioner has also assailed the remarks recorded under the head of “Attitude and Potential” and, in particular, the adverse entry



under the head “Integrity”, wherein he was described as “Not trustworthy.” According to the petitioner, no specific reason or instance was disclosed for recording such a serious adverse remark. He contends that merely recording “No” against the relevant sub-heads and describing him as “Not trustworthy”, without disclosing any specific instance in support thereof, is unjust and contrary to the principles of natural justice.

Response to the alleged grievance

3. In response to the notice, all the opposite parties, being represented by the Special Officer (Administration), High Court of Orissa, have filed their counter affidavit in the writ petition wherein it is stated that:-

(a) The petitioner had not performed his duties with honesty and sincerity to the utmost satisfaction of the authorities while functioning as Registrar (Judicial) of this Court and, in this regard, a departmental proceeding was initiated against him which culminated in imposition of major penalty of withholding of two increments with cumulative effect. It is stated that the opposite parties have no knowledge as to whether the petitioner was appreciated by the Hon'ble Administrative



Judges while functioning as Additional District & Sessions Judge or Principal District Judge at different stations, and that his performance as Registrar (Judicial) of this Court was never appreciated by the then Hon'ble Chief Justice. So far as the C.C.R. for the year 2021 is concerned, it is stated that the then Chief Justice, recorded adverse entries in the C.C.R. of the petitioner for the period from 04.01.2021 to 15.02.2021 while he was functioning as Registrar (Judicial), whereas the C.C.R. for the period from 17.02.2021 to 26.07.2021, when he was functioning as ADJ-cum-Special Judge (Vigilance), Dhenkanal, could not be recorded due to transfer of the concerned Hon'ble Administrative Judge to the High Court of Calcutta.

(b) It is further stated that the C.C.R. recorded by the then Chief Justice, the C.C.R. which could not be recorded for the aforesaid period and the C.C.R. recorded by the Hon'ble Administrative Judge of Kalahandi Judgeship for the period from 30.07.2021 to 31.12.2021, along with the relevant materials, were placed before the Full Court, which, upon consideration thereof, resolved to grade the petitioner as “Average” for the entire year 2021. The said grading along with the adverse remarks was thereafter communicated to the petitioner vide confidential Letter No.15739 dated 15.10.2022. His representations



seeking expunction of the adverse remarks were considered by the Full Court and rejected, which decision was communicated to him vide confidential Letter No.16930 dated 19.10.2023.

(c) It is further stated that the adverse remarks were recorded after following due procedure and upon consideration of all relevant aspects and that the same cannot be said to have been made without reason or without application of mind. The opposite parties have also controverted the petitioner's contention regarding the notes submitted by him in matters relating to promotion of employees of the Court and stated that he had suggested exercise of the exceptional power of the Hon'ble Chief Justice under Rule 38(10) of the High Court of Orissa (Appointment of Staff and Conditions of Service) Rules, 2019, without referring the matters to the Departmental Promotion Committee and without properly advising the authority in accordance with the applicable Rules. It is stated that certain promotions were consequently recalled when the alleged irregularities came to the notice of the authority. With regard to the petitioner's contention that he had merely acted upon the directions of the then Acting Chief Justice, it is stated that by recording the expression “as per kind direction of Your Lordship”, he had sought to shift the responsibility



upon the higher authority, which was not expected from an officer in the cadre of District Judge.

(d) It is further stated that the petitioner's past service record or absence of earlier adverse entries could not, by itself, be a ground to hold that the adverse entries recorded for the year 2021 were unjustified, as the C.C.R. assessment is made upon consideration of the relevant aspects concerning the officer for the period under assessment.

(e) It is also stated that merely because the charge relating to failure to maintain absolute integrity and honesty was not established in the departmental proceeding, the same would not preclude recording of an adverse entry in the C.C.R. On such grounds, the opposite parties have opposed the writ petition and contended that the petitioner is not entitled to the reliefs claimed.

4. Heard Mr. S.S. Rao, learned Senior Advocate, assisted by Mr. Anish Ankur Mishra, learned counsel appearing for the petitioner, Mr. Debaraj Mohanty, learned Additional Government Advocate appearing for opposite party No.1 (State of Odisha) and Mr. Subir Palit, learned Senior Advocate, assisted by Mr. D.R. Bhokta, learned



counsel appearing for opposite party Nos.2 and 3, i.e. Registrar General, High Court of Orissa, Cuttack and Special Officer (Administration), High Court of Orissa, Cuttack respectively.

Submissions on behalf of the learned Counsel for the Petitioner

5. Mr. Rao, learned Senior Counsel appearing for the petitioner, assailing the impugned communication dated 15.10.2022 under Annexure-1 and the subsequent communication dated 19.10.2023 under Annexure-4, submitted that the adverse entries recorded in the C.C.R. of the petitioner for the period from 01.01.2021 to 31.12.2021, including the overall grading of “Average”, are unsustainable both on facts and in law. It is submitted that the petitioner has had a long service career of about 25 years and, during his tenure in different judicial and administrative capacities, he had discharged his duties with sincerity, diligence and honesty. According to Mr. Rao, learned Senior Counsel, the petitioner had never, prior to the impugned C.C.R., been communicated with any adverse entry or remark during his service career. It is submitted that the petitioner's performance in different postings had been satisfactory and that his judicial orders had also been upheld by the higher forums, including this Court.



6. Mr. Rao, learned Senior Counsel, further submitted that the principal infirmity in the recording of the C.C.R. for the year 2021 arises from the fact that the petitioner had functioned as Registrar (Judicial) under the then Hon'ble Chief Justice only for a period of 42 days. It is submitted that the petitioner joined as Registrar (Judicial) on 13.01.2020 and was relieved from the said post on 14.02.2021, and thereafter joined as ADJ-cum-Special Judge, Dhenkanal, and subsequently served as Judge, Family Court, Bhawanipatna. Thus, according to Mr. Rao, learned Senior Counsel, the authority under whom the petitioner worked as Registrar (Judicial) did not have the requisite period of four months as per Clause-5(a) of GRCO (Civil) Vol. II for assessing his performance for the year in question.

7. Mr. Rao, learned Senior Counsel, further submitted that the position becomes more significant in view of the fact that, for the subsequent period from 17.02.2021 to 26.07.2021, when the petitioner was functioning as ADJ-cum-Special Judge, Dhenkanal, no adverse remark was recorded against him by the concerned Administrative Judge. It is submitted that the petitioner had thereafter served in the Kalahandi Judgeship and, during the remaining part of the year, had performed his duties without any adverse report being communicated



to him. According to Mr. Rao, learned Senior Counsel, there was thus no justification for treating the adverse remarks recorded during the petitioner's brief tenure as Registrar (Judicial) as the basis for assessing his performance for the entire year 2021.

8. Mr. Rao, learned Senior Counsel, then drew the attention of the Court to the specific adverse entries communicated to the petitioner. It is submitted that the petitioner was described as “Not willing to take up work or responsibilities”, “Poor in execution of instructions” and “Cannot be entrusted with administrative responsibilities” under the relevant heads. Under the head relating to his abilities, he was stated to “Need a lot of improvement”, while under the head relating to knowledge and performance, it was recorded that he had “Rather poor knowledge of applicable rules, leading to incorrect decisions” on the administrative side. It is further submitted that against the heads of personal administration, financial management and planning of work, the assessment was recorded as “No” and, most significantly, under the head of “Integrity”, the petitioner was described as “Not trustworthy”, followed by the overall grading of “Average”. Mr. Rao, learned Senior Counsel, submitted that such serious adverse observations, particularly the remark concerning the integrity of a



Judicial Officer, could not have been made in such a cryptic manner without furnishing any specific instance or material in support thereof.

9. Mr. Rao, learned Senior Counsel, submitted that the petitioner, immediately upon receiving the adverse C.C.R. communication, had submitted a representation explaining his position and seeking reconsideration and expunction of the adverse remarks. It is submitted that the petitioner had specifically placed before the authorities his performance in various posts during his long service career and had also pointed out the circumstances in which the adverse remarks had been recorded. A further representation was submitted on 17.08.2023, but the same was rejected by communication dated 19.10.2023. According to Mr. Rao, learned Senior Counsel, the petitioner's representations were not properly considered in their proper perspective.

10. With regard to the adverse observation relating to the petitioner's alleged lack of knowledge of the applicable Rules and the administrative decisions taken by him, Mr. Rao, learned Senior Counsel, submitted that the same was also misconceived. It is submitted that the notes in question relating to promotion of



employees of the Court were placed before the then Acting Chief Justice in accordance with the instructions received by the petitioner. According to Mr. Rao, learned Senior Counsel, the petitioner had set out in the notes the relevant Rules, law and procedure governing the promotional matters and had specifically recorded that the notes were being submitted “as directed by your Lordship”. It is, therefore, submitted that the observation that the petitioner had poor knowledge of the applicable Rules and had deliberately taken incorrect decisions was not justified.

11. Mr. Rao, learned Senior Counsel, further submitted that the adverse remarks relating to the petitioner's integrity are particularly serious in nature. It is submitted that the C.C.R. merely records “Not trustworthy” under the head of integrity without disclosing any particular instance or reason for arriving at such conclusion. According to Mr. Rao, learned Senior Counsel, where such a serious observation is made against a Judicial Officer, the same ought to be supported by some specific material or instance so as to enable the Officer concerned to understand the basis of such assessment and effectively represent against it. The petitioner, therefore, contends that



recording such an adverse entry without furnishing any particulars is contrary to the principles of fairness and natural justice.

12. Mr. Rao, learned Senior Counsel, also submitted that the adverse C.C.R. entries have a direct nexus with the departmental proceeding initiated against the petitioner. It is submitted that the disciplinary proceeding relied upon by the opposite parties had subsequently been challenged by the petitioner before this Court and that the punishment imposed therein has since been quashed by this Court in W.P.(C) No.9958 of 2024 by judgment dated 27.05.2026. According to Mr. Rao, learned Senior Counsel, once the order of punishment, which is sought to be relied upon as the basis for the adverse assessment, has itself been quashed, the very foundation of the adverse remarks cannot survive. His submissions specifically places reliance upon the said subsequent judgment in support of this contention.

13. Mr. Rao, learned Senior Counsel, accordingly submitted that the adverse entries recorded in the C.C.R. for the year 2021, including the remark “Not trustworthy” and the grading of “Average”, suffer from serious infirmities, particularly when the petitioner had worked



under the concerned authority for only 42 days, had no adverse report for the subsequent period of his service during the year and had placed his explanation and representations before the authorities. It is, therefore, submitted that the communication dated 15.10.2022 under Annexure-1 and the communication dated 19.10.2023 under Annexure-4 rejecting the petitioner's representation are liable to be quashed.

Submissions on behalf of the learned Counsel for the Opposite Parties

14. Per contra, Mr. Palit, learned Senior Counsel appearing for the opposite parties, submitted that the writ petition is devoid of merit and is liable to be dismissed. At the outset, it is submitted that the petitioner has proceeded on an erroneous premise that the impugned grading was based merely upon the assessment made during his short tenure as Registrar (Judicial). According to learned counsel, the record would demonstrate that the matter was considered by the Full Court, being the competent authority in respect of the C.C.R. of Judicial Officers, after taking into consideration the relevant materials relating to the petitioner's performance during the year 2021. It is



submitted that the adverse remarks recorded by the then Hon'ble Chief Justice, the relevant report/material concerning the petitioner's service under the concerned Hon'ble Administrative Judge and the other materials available on record were placed before the Full Court, which, in its meeting held on 23.08.2022, upon consideration of the same, resolved to record the petitioner's C.C.R. grading for the entire year 2021 as "Average". It is, therefore, contended that the impugned grading was not an arbitrary or unilateral assessment made by any individual authority, but was the outcome of a collective decision of the Full Court upon consideration of the relevant service materials.

15. Learned Senior Counsel for the opposite parties further submitted that the petitioner's contention regarding his having worked as Registrar (Judicial) for only 42 days does not, by itself, invalidate the decision taken by the Full Court. It is submitted that the Full Court did not mechanically adopt the assessment of any one authority for the entire year, but considered the materials available in respect of the different periods during which the petitioner served at different places. According to learned counsel, although the C.C.R. for one of the relevant periods could not be recorded by the concerned Hon'ble Administrative Judge owing to his transfer, the available materials



relating to the petitioner's service during the year were placed before and considered by the Full Court, which thereafter arrived at the overall grading of "Average". It is, therefore, contended that the petitioner's reliance upon the period of his tenure as Registrar (Judicial) being limited to 42 days does not render the decision of the Full Court illegal. Additionally, it was also submitted that though the GRCO prescribes a limit of four months, but nowhere bars the authority to record it prior to four months.

16. Learned Senior Counsel further submitted that the petitioner was duly communicated the adverse remarks as well as the C.C.R. grading and was afforded an opportunity to submit his representations against the same. It is stated that the petitioner submitted representations dated 02.12.2022 and 17.08.2023 seeking reconsideration and expunction of the adverse remarks. The said representations were placed before the Full Court and were considered on more than one occasion, including in its meetings dated 20.12.2022 and 18.10.2023. After due deliberation, the Full Court rejected the representations and the decision was thereafter communicated to the petitioner vide confidential communication dated 19.10.2023. It is, therefore, submitted that the petitioner was afforded adequate



opportunity to ventilate his grievance and that there has been no violation of the principles of natural justice.

17. Further according to learned Senior Counsel, the High Court, acting through the Full Court, is constitutionally entrusted with control and supervision over the subordinate judiciary and, therefore, assessment of the performance and suitability of a Judicial Officer necessarily involves an evaluation by the constitutional authority entrusted with maintaining the efficiency and standards of the judicial institution. It is contended that, while exercising jurisdiction under Articles 226 and 227 of the Constitution, this Court does not sit as an appellate authority over such assessment so as to substitute its own opinion for that of the competent authority. Unless the petitioner establishes mala fides, perversity, patent arbitrariness, violation of statutory provisions or total absence of jurisdiction, the assessment made by the competent authority, according to learned counsel, ought not to be interfered with.

18. Learned Senior Counsel further submitted that the adverse remarks recorded against the petitioner were based upon his performance and official functioning and were not without any



foundation. It is submitted that the assessment included observations regarding his alleged unwillingness to take up work or responsibilities, poor execution of instructions, inability to be entrusted with administrative responsibilities, need for substantial improvement, poor knowledge of applicable Rules leading to incorrect decisions on the administrative side, lack of demonstrated aptitude in the fields of personal administration, financial management and planning of work, besides observations relating to integrity and the overall grading. According to learned counsel, these were matters relating to the petitioner's official performance and functioning and cannot be subjected to re-appreciation by this Court as though it were exercising appellate jurisdiction over the assessment made in the C.C.R.

19. Learned Senior Counsel also submitted that the petitioner's reliance upon his previous service record and earlier favourable assessments does not confer upon him any indefeasible right to receive a particular grading for every subsequent year. It is submitted that a C.C.R. is an assessment of the Officer's performance during the relevant period and the competent authority is entitled to assess such performance on the basis of the materials relating to that period.



According to learned counsel, even assuming that the petitioner had received favourable assessments during earlier years, the same cannot preclude the competent authority from making a different assessment for a subsequent period on the basis of the materials then available.

20. Learned Senior Counsel appearing for the opposite parties further submitted that the petitioner's contention that the adverse remarks could not have been recorded in view of the absence of earlier adverse entries is, therefore, misconceived. It is stated that the assessment of an Officer is required to be made on the basis of the relevant materials concerning the period under consideration and that past conduct or past favourable assessments cannot be treated as a guarantee against any adverse assessment in future. According to learned counsel, the petitioner's previous service record, therefore, cannot by itself be a ground for interfering with the assessment made for the year 2021.

21. Learned Senior Counsel further submitted that the petitioner has failed to demonstrate any violation of the principles of natural justice. It is submitted that the adverse remarks and grading were communicated to the petitioner, he was afforded an opportunity to



submit his representations, and the representations so submitted were considered by the Full Court on more than one occasion before being rejected. The decision taken thereon was also duly communicated to the petitioner. It is, therefore, contended that the impugned action was not taken behind the back of the petitioner or without affording him an opportunity to seek reconsideration.

22. Learned Senior Counsel appearing for the opposite parties next submitted that the decision of the Full Court deserves due deference, having regard to the nature of the assessment involved. It is submitted that the decision under challenge is the result of consideration by the Full Court in discharge of its administrative and constitutional responsibilities concerning the subordinate judiciary. According to learned counsel, merely because the petitioner disagrees with the assessment or seeks a different evaluation of the same material, the decision of the Full Court cannot ordinarily be interfered with in exercise of writ jurisdiction. It is contended that the jurisdiction of this Court is directed towards examining the legality of the decision-making process and not towards substituting its own assessment for that of the competent constitutional authority in matters relating to the professional assessment of a Judicial Officer.



23. Mr. Palit, learned Senior Counsel finally submitted that the petitioner has failed to establish any mala fide action, lack of jurisdiction, violation of any mandatory statutory provision, denial of opportunity to submit representation, perversity in the decision-making process or any other ground warranting interference under Articles 226 and 227 of the Constitution. It is, therefore, submitted that the writ petition is devoid of merit and the impugned communications do not call for any interference by this Court.

The Judicial rationale and consequent findings

24. From the aforementioned pleadings and the rival submission made by learned counsels appearing for the parties, the entire dispute germin from the present case boils down to the following issues:-

- (1) Whether the adverse remark for the period of 01.01.2021 to 31.12.2021 entered in the CCR of the petitioner and communicated to him is the true assessment and evaluation of the petitioner's performance, potential, ability, attitude, knowledge and integrity etc.



(2) Whether the adverse entry made in the CCR of the petitioner, which is duly communicated is open to a judicial review.

In order to answer the aforementioned issues, this Court has carefully gone through the records placed before it and given anxious consideration to the submissions advanced by the learned counsel appearing for the respective parties. This Court had also directed the Registry to place the entire materials pertaining to the case in a sealed cover. Pursuant thereto, the Registry made available the entire record to this Court in a sealed cover during the course of hearing. We have had the advantage of perusing the records during the course of hearing. The learned counsel appearing for the respective parties were also afforded an opportunity to peruse the relevant portions of the record.

25. From the records, it is revealed that the petitioner entered service in the year 1997 and continued in service till 2026. His Confidential Character Rolls (CCRs) for the entire period, as reflected from the records, reveal that from 1998 to 2011, his performance was consistently graded as “Good” in each year. From 2012 to 2019, his performance was graded as “Very Good”. Again, for the years 2020



and 2022 to 2026, his CCRs were graded as “Good”. It is only in the year 2021 that an adverse entry was recorded, wherein his performance was graded as “Average”, which was duly communicated to the petitioner, as noted hereinabove. It is relevant to note that, during the year 2021, the petitioner was posted at three different places and worked under three different authorities, each of whom was required to assess his performance and cumulatively the grade is assessed. It would, therefore, be apposite to set out the details of the petitioner’s postings during the year 2021:-

04.01.2021 The petitioner after joining this court as a Registrar (Judicial) was continuing in the post when the then Hon’ble Chief Justice assumed the Office. The petitioner while functioning as Registrar (Judicial) during the relevant period, his performance came to be assessed by the then Hon’ble Chief Justice.

14.02.2021 The petitioner was relieved from the post of Registrar (Judicial) and was posted as ADJ-cum-Special Judge (Vigilance), Dhenkanal.



(04.01.2021 to 15.02.2021 was the first phase for the purpose of assessment of performance of the petitioner. The then Hon'ble Chief Justice remarked "Average" while grading the overall performance of the petitioner within 42 days.)

17.02.2021 The petitioner served as ADJ-cum-Special Judge to (Vigilance), Dhenkanal. His performance came under 26.07.2021 the assessment of the then Administrative Judge of Dhenkanal. However, due to the transfer of the Hon'ble Administrative Judge, he has not made any assessment and nothing was recorded in the CCR from that period.

(No entry in the CCR in the second phase)

30.07.2021 The petitioner was transferred to District Kalahandi as to a Family Judge. The Hon'ble Administrative Judge of 31.12.2021 Kalahandi assessed his performance being satisfied gave a grading of "good".

From the aforesaid, it is abundantly clear that the disputed period from 04.01.2021 to 31.12.2021 consisted of three phases for the purpose of assessment of performance. The first phase was from 04.01.2021 to 15.02.2021, during which the then Hon'ble Chief



Justice awarded the grading of “Average” and also made adverse remarks regarding the quality, performance and ability of the petitioner. No CCR entry was made for the second phase, i.e., from 17.02.2021 to 26.07.2021, on account of the transfer of the Administrative Judge. During the third phase, i.e., from 30.07.2021 to 31.12.2021, the Hon’ble Administrative Judge, being satisfied with the performance of the petitioner, awarded the grading of “Good”.

26. It is contended by the learned counsel appearing for the opposite parties that the assessment of the petitioner’s performance for the entire period, comprising all the three phases, was placed before the Full Court for its consideration and approval. The Full Court, vide its resolution dated 23.08.2022, accepted the same.

We have perused the resolution passed by the Full Court on 23.08.2022. The resolution reads as under:-

<i>Sl. No.</i>	<i>Items of Agenda</i>	<i>Decision taken</i>
Xxxx Xxxx	Xxxx Xxxx	Xxxx Xxxx
4	<i>Consideration of CCRs of Officers in the cadre of District Judge</i>	<i>Resolved to record the C.C.Rs of the following Officers in the Cadre of District Judge on the basis of overall assessment of their performance, out-turn and report of the Reporting Officers as follows</i>



<i>Sl. No.</i>	<i>Name of the Officer</i>	<i>Year</i>	<i>Remarks</i>
xxxx	xxxx xxx	xxxx	xxxx
xxxx	xxxx xxx	xxxx	xxxx
32	<i>Lalit Kumar Das</i>	2021	<i>Average</i>

27. Mr. Rao, learned counsel appearing for the petitioner, submitted that although the CCRs of all the officers were placed before the Full Court, the Full Court did not independently assess the performance of the officers but merely accepted the reports of the respective Reporting Authorities. He, therefore, strongly disputed the contention of Mr. Palit, learned Senior Counsel appearing for the opposite parties, that the Full Court had independently assessed and endorsed the adverse entries recorded in the CCR of the petitioner for the year 2021.

28. At this juncture, two issues are emanating for consideration. Firstly, whether, in terms of the procedure prescribed under the GRCO for recording the Annual Confidential Character Roll (CCR) of a Judicial Officer, the entries recorded by the Assessing Authority are justified or not. In this regard, Mr. Rao, learned Senior Counsel



appearing for the petitioner, has drawn our attention to Clause 5(a) of the GRCO (Civil), Vol. II, which reads as under:-

“-5(a) the Reporting Authority/District Judge under whom a judicial officer is working for more than 4 months must record the CCR of the officer.”

Relying upon the aforesaid Clause, Mr. Rao, learned Senior Counsel appearing for the petitioner, submitted that the then Hon’ble Chief Justice assumed office on 04.01.2021 and the petitioner served under him only up to 14.02.2021 till he was transferred. The then Hon’ble Chief Justice, however, assessed the petitioner’s performance for the period from 04.01.2021 to 15.02.2021 and made the adverse entry in the CCR, which is the subject matter of challenge in the present proceedings.

29. Under prescribed procedure, a minimum period of four months is essentially required for the Assessing Authority to assess and evaluate the performance of an officer. This aspect of the matter has been elaborately considered by this Court while deciding the case of another Judicial Officer. Mr. Rao, learned Senior Counsel, has relied upon the judgment of the Division Bench dated 02.05.2025 in *Malaya Ranjan Dash vrs. Registrar General of the Hon’ble High Court of*



Orissa, Cuttack and others, W.P.(C) No.28873 of 2023 in support of his submission. The Division Bench of this Court has held as under:-

“Clause 5(a) of the notes on procedure for recording Annual C.C.R. of Judicial Officers of G.R.C.O. (Civil) (Vol.II) states that, the Reporting Authority/District Judge under whom a Judicial Officer is working for more than four months must record C.C.R. of the officer. The fixation of the period for more than four months to record the C.C.R. has got a purpose as such period was thought sufficient to evaluate the overall performance and efficiency of a Judicial Officer as a whole. In the case of the petitioner, the Hon”ble Chief Justice under whom the petitioner was working as Registrar General of this Court from 04.01.21 to 08.03.2021 which was barely for two months and few days has recorded the C.C.R. of the petitioner but the date on which such C.C.R. was recorded is not there as no date has been given below the signature of the Hon”ble Chief Justice or anywhere in the Part-III of the form. Similarly, the Judge-in-charge of district Raygada under whom the petitioner was working as District and Sessions Judge, Rayagada for the period of from 15.03.2021 to 12.07.2021, which is less than four months has recorded the C.C.R. of the petitioner and given his remarks in Part-IV of the form on 21.03.2022.”

The Division Bench of this Court, in the case of **Malaya Ranjan Dash** (supra) to expunge the adverse remark recorded in the CCR of the officer, *inter alia*, on the ground that the Assessing Authority had assessed his performance after a period of less than three months, which is directly against the time line prescribed under Clause-5(a) of GRCO (Civil) II.



30. The second issue that arises for consideration is whether the assessment made by the then Hon'ble Chief Justice was the culmination of a true and proper assessment and evaluation of the petitioner's performance. It appears that the then Hon'ble Chief Justice was persuaded by the materials placed before him, particularly the records relating to the departmental proceeding initiated against the petitioner, for the purpose of assessing the performance. All the relevant papers pertaining to the departmental proceeding were made available to the then Hon'ble Chief Justice for consideration. The charges levelled against the petitioner in the departmental proceeding, were undoubtedly serious in nature. Therefore, no fault can be found with the assessment made by the then Hon'ble Chief Justice, having regard to the materials available before him at the relevant point of time. The said materials appears to have reasonably persuaded the then Hon'ble Chief Justice to make the entries in the petitioner's CCR. However, the very materials on the basis of which such assessment was made have subsequently been judicially examined by a Division Bench of this Court. The entire departmental proceeding, as well as the punishment imposed upon the petitioner pursuant



thereto, came to be quashed by a detailed judgment dated 27.05.2026 in W.P.(C) No.9958 of 2024.

In view of the specific findings recorded by the Division Bench of this Court in its judgment dated 27.05.2026, the materials placed before the then Hon'ble Chief Justice, which had persuaded him to make the adverse entry in the CCR of the petitioner, have subsequently failed to withstand the scrutiny of law. Consequently, the adverse materials which constituted the basis for recording the adverse entry in the petitioner's CCR having failed to withstand the scrutiny of law are washed away. Therefore, the foundation upon which the adverse entry rested no longer survives. The adverse materials which constitute the basis of recording of such entry, thus, stands effaced. In these changed circumstances, the submission made by Mr. Rao, learned Senior Counsel appearing for the petitioner, that the adverse entry is liable to be expunged deserves merit to be considered.

31. At this stage, the second issue raised by Mr. Palit that falls for consideration is whether the question of expunging the adverse remark is amenable to judicial review.



32. Mr. Palit, learned Senior Counsel appearing for the opposite parties, has vehemently submitted that the scope of judicial review in a matter of the present nature is limited in as much as the competent authority, on the basis of its subjective satisfaction, assesses the performance of an officer and records an entry in the CCR along with the appropriate grading. Such subjective satisfaction of the Assessing Authority cannot ordinarily be substituted by a judicial order, particularly in the present case, where the then Hon'ble Chief Justice, on the basis of the materials available on record and placed before him, assessed the performance of the petitioner and awarded the grading of "Average", which was duly communicated to the petitioner. He submitted that such assessment is not open to judicial review unless the petitioner is able to demonstrate that the same is irrational, arbitrary or capricious. In support of his submission, he has relied upon the judgment of the Hon'ble Supreme Court in ***Registrar General, High Court of Patna v. Pandey Gajendra Prasad and Others***, reported in (2012) 6 SCC 357, which reads as under:-

"22. In the present case, the recommendation of the Standing Committee to dismiss the first respondent from service was based on the findings in the enquiry report submitted by the enquiry officer pursuant to the departmental enquiry; his reply to the show-cause notice; his ACR and other materials placed before it.



The recommendation of the Standing Committee was approved and ratified by the Full Court.

23. *There is nothing on record to even remotely suggest that the evaluation made, firstly by the Standing Committee and then by the Full Court, was so arbitrary, capricious or so irrational so as to shock the conscience of the Division Bench to justify its interference with the unanimous opinion of the Full Court. As regards the observation of the Division Bench on the reputation of the first respondent based on his ACRs, it would suffice to note that apart from the fact that an ACR does not necessarily project the overall profile of a judicial officer, the entire personal file of the respondent was before the Full Court when a conscious unanimous decision was taken to award the punishment of his dismissal from service. It is also well settled that in cases of such assessment, evaluation and formulation of opinion, a vast range of multiple factors play a vital and important role and no single factor should be allowed to be blown out of proportion either to decry or deify issues to be resolved or claims sought to be considered or asserted. In the very nature of such things, it would be difficult, rather almost impossible to subject such an exercise undertaken by the Full Court, to judicial review, save and except in an extraordinary case when the Court is convinced that some exceptional thing which ought not to have taken place has really happened and not merely because there could be another possible view or there is some grievance with the exercise undertaken by the Committee/Full Court. (See Syed T.A. Naqshbandi [(2003) 9 SCC 592 : 2003 SCC (L&S) 1151] .)*

24. *Having regard to the material on record, it cannot be said that the evaluation of the conduct of the first respondent by the Standing Committee and the Full Court was so arbitrary, capricious or irrational that it warranted interference by the Division Bench. Thus, the inevitable conclusion is that the Division Bench clearly exceeded its jurisdiction by interfering with the decision of the Full Court.”*

True it is that, unless the petitioner is able to demonstrate from the record that the adverse entry made in the CCR is so arbitrary,



capricious or irrational as to shock the conscience of this Court and warrant its interference, this Court cannot substitute its own view for that of the competent authority. In the present case, upon perusal of the records placed before us and on an examination of the entire conspectus of facts and circumstances, it is evident that an adverse entry was recorded in the CCR of the petitioner for the limited period from 04.01.2021 to 15.02.2021. The said adverse entry was undoubtedly made by the then Hon'ble Chief Justice on the basis of the materials placed before him, namely, the imputation of charges in the departmental proceeding and the allegations levelled against the petitioner. It is, therefore, evident that the then Hon'ble Chief Justice had made the assessment on the basis of the materials available before him, particularly having assumed office only on 04.01.2021 and having not had sufficient time to make a comprehensive assessment of the petitioner's performance. Moreover, under Clause 5(a) of the GRCO, a period of at least four months is contemplated for the Assessing Authority to assess and record the CCR of an officer. The underlying object of prescribing such period is to ensure that the Assessing Authority has sufficient time and opportunity to assess the



ability, professional competence, potential and integrity of an officer working under him.

33. We are not inclined to enter into the controversy as to whether the then Hon'ble Chief Justice had strictly adhered to the procedure contemplated under Clause 5(a) of the GRCO. Suffice it to observe that no fault can be found with the assessment made by the then Hon'ble Chief Justice, as the same was based on the materials placed before him at the relevant point of time. However, the materials on the basis of which the adverse entry came to be recorded have subsequently been judicially examined and found to be unsustainable and have been set aside by this Court vide a detailed judgment dated 27.05.2026 passed in W.P.(C) No.9958 of 2024. Therefore, the entire matter has to be reviewed in the light of the judgment dated 27.05.2026.

34. In view of the foregoing and having regard to the changing circumstances, we are of the considered view that the writ petition deserves to be allowed. Consequently, it would, therefore, be appropriate to direct the Registrar General of this Court to place the matter before the Hon'ble Chief Justice for reconsideration of the representation dated 02.12.2022 and 17.08.2023 for taking decision as



to whether the matter ought to be placed before the Full Court for expunging the adverse remark recorded in the CCR of the petitioner for the relevant period. We expect that the entire exercise would be concluded within a period of one month.

35. With this observation, the writ petition is disposed of.

36. Original records produced in seal cover be re-sealed and be handed over to the Registrar General of this Court (opposite party No.2) for its needed custody and obtaining necessary acknowledgement from the said authority in that regard.

(Sibo Sankar Mishra)
Judge

M.R. Pathak, J. I agree.

(Manash Ranjan Pathak)
Judge

The High Court of Orissa, Cuttack.
Dated the 10th September, 2026/Swarna