

RAMESH KUMAR PATI V. STATE OF ODISHA: ECONOMIC OFFENCES & PRIVILEGED VC'S

SIBA PRASAD PANIGRAHI¹

ABSTRACT

Financial irregularities by the Vice Chancellors (VCs) appear at regular intervals as news articles; however, there is no report on their conviction. This sets a series of questions: whether the VCs are privileged for economic offences, how they manage to escape from legal liabilities, what are its implications etc. This article critically examines a Public Interest Litigation (PIL) involving the oldest technical institute of Odisha, Veer Surendra Sai University of Technology (VSSUT), adjudicated by the High Court of Odisha in 2024. The analysis with the help of the information issued to VSSUT webpage by the apex executive body of VSSUT, the Board of Management (BOM), reveals few interesting areas those remain underexplored in the scholarship.

Key Words: Economic Offence; Criminal Breach of Trust; VSSUT; Odisha High Court

I. INTRODUCTION

Indian media reported financial irregularities by the Vice Chancellors (VCs) of IIM Rohtak, RGPV Bhopal, Pondicherry University, and Salem Periyar University². The Central Bureau of Investigation (CBI), on 01 February 2025, arrested three VCs in connection with bribes for National Assessment and Accreditation Council (NAAC) accreditation³. Allegations on the VCs are not limited to financial irregularities, those extends to research fraud, recruitment scam, maladministration, sexual harassment, inaction on complaint of sexual harassment, abetment to suicide, and attempt to murder⁴. However, these are only few examples from a lot; zooming on a smaller locality, the picture would be clearer.

Veer Surendra Sai University of Technology (VSSUT), Biju Patnaik University of Technology (BPUT), and Sambalpur University are three universities in western

¹ Siba Prasad Panigrahi, Associate Professor, VSSUT Burla

² Panigrahi S.P. (2024). Indian VCs in recent news, Mendeley Data, V1, <https://doi.org/10.17632/2k5y2b94ft.1>

³ CBI arrests 10 over bribery for NAAC accreditation, Time of India, 02 February 2025

⁴ Panigrahi S P (2024). Research crime in Indian universities: Need for examining Administrative *mens rea*, available at: <https://jpassociates.co.in/research-crime/>

Odisha; Prof. C.R. Tripathy was Professor of VSSUT, VC of Sambalpur University prior to become the VC of BPUT. Prof. Sanjiv Mittal and Prof. Amiya Rath succeeded Prof. Tripathy as VC of Sambalpur University and BPUT respectively. Similarly, Prof. Bansidhar Majhi succeeded Prof. Atal Chaudhari as VC of VSSUT. Media reports on these VCs are:

- (i) The then Governor directed state vigilance to probe into allegations of bribe for job scam against Prof. Tripathy; the allegation involved Dr. Ramakant Panigrahi; Dr. Panigrahi was terminated as Lecturer (Assistant Professor) to be appointed as Professor of CET Bhubaneswar⁵.
- (ii) Prof. Majhi promoted the same Dr. Panigrahi as Professor; the matter has been moved to the High Court of Odisha on the question of legality in the process of promotion; whereas the promotion issue under consideration of the court, Prof. Majhi appointed him as Dean, Faculty & Planning⁶.
- (iii) Prof. Mittal was inflicted with the allegations of attempt/ abetment⁷ to suicide as well as financial irregularities⁸.
- (iv) Research Misconduct by Prof. Rath attracted international watchdogs⁹.
- (v) The BOM, VSSUT exposed the academic, administrative and financial irregularities of Prof. Chaudhuri¹⁰; the Chancellor withdrawn the powers of VC from Prof Chaudhari before end of his tenure¹¹.

Thus, all the VCs of these three universities were alleged with economic offences. But surprisingly, none of these VCs are neither under trial nor convicted on the date of

⁵ Guv directs for Vig probe against BPUT VC, the Pioneer, 20 May 2018, available at: <https://www.dailypioneer.com/2018/state-editions/guv-directs-for-vig-probe-against-bput-vc.html>

⁶ Padmanav Dash & Ors V. VC, VSSUT & Ors, WP(C) 16124/2022

⁷ Patnaik L, Sambalpur University Vice Chancellor Sanjiv Mittal gets anticipatory bail in abutment to suicide case, The time of India, 04 July 2021, available at: <https://timesofindia.indiatimes.com/city/cuttack/sambalpur-vc-gets-anticipatory-bail-in-abetment-to-suicide-case/articleshow/84086930.cms>

⁸ Guv directs Sambalpur University to initiate action against ex-VC, The New Indian Express, 14 October 2022

⁹ Report available at: <https://retractionwatch.com/2025/09/11/amiya-kumar-rath-university-vice-chancellor-retraction-tortured-phrases/>

¹⁰ MOM available at: <https://vssut.ac.in/doc/38th-Minutes-of-BoM.pdf>

¹¹ Powers of VSSUT Vice Chancellor curtailed before end of Tenure, Times of India, 07 February 2021, available at: <https://timesofindia.indiatimes.com/city/bhubaneswar/powers-of-vssut-vice-chancellor-curtailed-before-end-of-tenure/articleshow/80733609.cms>

submission of this article. These reports raise a series of questions as research questions for this article:

RQ-1: Whether the VCs are privileged from being convicted in economic offences?

RQ-2: If not, how the VCs manage to flee away from their legal liabilities?

RQ-3: What are the effects of these economic offences?

This article critically analyse the case, *Ramesh Kumar Pati V. State of Odisha (Ramesh Pati)* to examine above mentioned research questions. Following section briefs *Ramesh Pati* case and the judgement.

II. RAMESH PATI CASE¹²

In this case the State of Odisha represented by the Principal Secretary (PS) of Skill Development and Technical Education (SDTE) Department, the VC of VSSUT, the Chairman of Write-off Committee of VSSUT, and the Registrar of VSSUT are the opposite parties. Ramesh Pati case also included all members of write off Committee as *proforma* opposite parties. The petitioner is an advocate from the locality of VSSUT. *Ramesh Pati* case stands on the allegation “*Prof. Bansidhar Majhi, sold/ auctioned valuables of VSSUT worth around 20 Crore rupees during summer vacation (May-June) of 2022 in absence of consent/ approval of members of write-off committee*”. The allegation was raised by a member of write of committee through the Chairman of the Committee submitted to the PS, SDTE.

Inaction of the PS within reasonable period forced the concerned member filed a writ petition in the high court of Odisha. Meanwhile, an advocate from the locality, Sri Pati availed necessary evidence from the said writ petition and filed this PIL praying the court for direction to an inquiry by state Vigilance/ other independent agency.

Later, the petitioner submitted a representation to the state vigilance. The division bench of Odisha High Court on 06.02.2024 issued the judgement as:

“As agreed by learned counsel for the parties and after going through the records, this Court, without expressing any opinion on the merits of Ramesh Pati case, disposes of the Writ Petition directing Opposite Party No.1 to consider the representation filed by the petitioner vide Annexure-3 series, and

¹² WP(C) 28966/2023, decided on 06 February 2024

pass appropriate order in accordance with law within a period of three months from the date of production of certified copy of this order”.

With the help of the related legal provisions, *Ramesh Pati* case has been analysed in the following section.

III. ANALYSIS

The instant case is related to write-off which is the process of disposing obsolete items according to the rules established by the state/ centre. The write-off committee of a public organization identifies and records the obsolete items, separates according to the original cost of items, records on camera whereas the detailed process outlined in the store rules as well as financial rules of the respective Government. The allegation relates to sale/ auction of valuable items and not the obsolete ones. The allegation relates to the absence of consent/ approval of the members of the write-off committee whereas the value set is at 20 Crore rupees. Also, sale is alleged to take place while the vacational employees, i.e., the teachers of VSSUT were on vacation.

The VC is Principal Executive officer of VSSUT as laid down in section 12(1) of VSSUT Act-2008 (VSSUT Act¹³). The VC has been entrusted with the public property lying within the university by the VSSUT Act. It is alleged that the VC disposed public property with violation of prescribed law. The allegation has all the ingredients of the offence of Criminal Breach of Trust (CBT) defined under section 405 Indian Penal Code, 1860 (IPC) or corresponding section 316 (1) under Bharatiya Nyay Sanhita, 2023 (BNS)¹⁴.

Further, above mentioned alleged offence defrauds the institution (VSSUT) for monetary benefit by the VC whereas those were in active connivance with the said VC. This fulfils the essentials of economic offence defined under section 111(1)(iii) of BNS. Thus, the allegation amounts to economic offence.

Supreme Court of India in *Saumya Chaurasia*¹⁵, the claim of any privilege or benefits under section 218 of BNSS (correspondingly section 197 of CrPC) that requires sanction from a superior officer to investigate or prosecute is not extended to the

¹³ Available at: https://vssut.ac.in/doc/VSSUT_ACT.pdf

¹⁴ The Supreme Court of India in *Hukam Ram v/s State of H.P.*, Cr. Revision No. 579/2023, judgment dated 08.05.2025

¹⁵ *Saumya Chaurasia vs ED*. SLP (Criminal) No. 12494 of 2024, decided on 25.09.2024

public servants inflicted with corruption allegations. Thus, the VCs inflicted with economic offence cases do not have any privilege under the statutes, for two reasons:

(i) Economic offences constitute a class apart, have deep rooted conspiracies:

The Supreme Court of India in *Y.S.Jagan Mohan Reddy vs C.B.I*¹⁶, and *Serious Fraud Investigation Office V. Nittin Johari & Anr*¹⁷, termed economic offences as: “Economic offences constitute a class apart and need to be visited with a different approach” and “economic offences have deep rooted conspiracies” respectively.

But, in *Ramesh Pati case*, though there is loss of 20 Crore rupees to the public exchequer, the court dealt with *Ramesh Pati case* as a normal writ petition.

(ii) Economic offence case cannot be settled between the parties

While dealing with a case of economic offences involving corruption & loss to public exchequer in *Anil Bhavarlal Jain & Anr V. State of Maharastra & Ors*¹⁸, the Supreme Court of India refused to quash the corruption case based on the settlement arrived between the parties and held:

“A substantial injury was caused to the public exchequer and consequently it can be said that public interest has been hampered. Keeping in view the fact that in the present case a special statute i.e. PC Act has been invoked, we are of the view that quashing of offences under the said Act would have a grave and substantial impact not just on the parties involved, but also on the society at large. As such the High Court of Bombay committed no error in declining to exercise its inherent powers in the present case, thereby refusing to quash the criminal proceedings”.

But, in *Ramesh Pati case*, though there is loss of 20 Crore rupees to the public exchequer, the the judgement has been reached based on the settlement arrived between the parties.

a. How the VCs managing the economic offence to flee away from their legal liabilities?

¹⁶ Criminal Appeal No-730 of 2013 arising out of SLP(Crl)3404 of 2013, decided on 09.05.2013, Also see: *Pravez Khan vs Directorate Of Enforcement* on 4 May, 2026

¹⁷ 2025 INSC 477, decided on 9 April 2025

¹⁸ (Crl.) No. 10078 of 2023, decided on 20.12.2024

Section 19(2) of VSSUT Act prescribes the composition of BOM of VSSUT, wherein the VC as Chairman of BOM; PS, SDTE as a member. The PS, SDTE is duty bound to make an investigation into the allegation by appropriate state agency, vigilance. But, in *Ramesh Pati*, the PS observed complete silence. After more than one year of the alleged offence, i.e., in September 2023, BOM termed this illegal sale as write-off, and thus approved the economic offence of the VC as official one in absence of investigation by appropriate agency¹⁹. The Supreme Court of India in *Kim Wansoo v. State of Uttar Pradesh & Ors*²⁰, termed this kind of acts as those of the PS & BOM are connivance with the accused VC and shall be examined for abetment. It can be appropriately investigated on the issue of BOM members in connivance with the accused.

b. Effects of Economic offences

VSSUT is the most reputed, glorious and the oldest technical institute of the state of Odisha. This note visited the VSSUT webpage to read the tenure of Prof. Bansidhar Majhi as VC of VSSUT from 2021 to 2024. As many as 30 writ petitions were filed in the High Court of Odisha having VSSUT as opposite party in the calendar year 2023. This is a sign of disorder at VSSUT and jettisons to the glory of VSSUT.

In one of the cases, *Padmanav Dash & Ors V. VC, VSSUT & Ors*²¹, the petitioners alleged illegality in promotion of teachers by the VC whereas all the teachers those were promoted to the level of Professor appears as opposite parties in the said case. This article found that all the said professors were appointed either as Deans or as Head of Department (HOD) with gross violation of the section 19(1) read with sections 21(1), 22(1), 23(1) and 24(1) of VSSUT Statute read with decisions of BOM²². This shows the acceleration of undeserved ambitions by the said Professors whereas the offence killed the conscience.

The situation discussed above justifies the judgement of the Gujrat High Court in *Archana Mukesh Raval V. State of Gujrat*²³, wherein the court observed:

“Corruption mothers disorder, destroys societal will to progress, accelerates undeserved ambitions, kills the conscience, jettisons the glory of the

¹⁹ BOM: 45-18 of MOM available at: <https://vssut.ac.in/doc/Minutes-45th-BOM.pdf>

²⁰ SLP(Crl) No.4849 of 2020, judgement dated 02 January 2025

²¹ WP(C) 16124/2022

²² BOM:38-02/ BOM:36-15.5 of MOM available at: <https://vssut.ac.in/doc/38th-Minutes-of-BoM.pdf>

²³ R/CR.MA/6233/2020, decided on 07 March 2022

institutions, paralyses the economic health of a country, corrodes the sense of civility and mars the marrows of governance”.

IV. CONCLUSION

In summary, relying on primary legal sources such as judicial decisions, statutory provisions, official records, and authoritative reports, this note comments *Ramesh Pati* case as ‘a case of economic offence settled outside’ with violation of the legal position settled by the Supreme Court of India. Prof. Bansidhar Majhi could not manage the economic offence with help of PS, SDTE and the BOM of the university. It is important to note that the BOM condemned the irregularities of Prof Atal Chaudhari is not the same BOM that helped Prof. Majhi. Here some of the members were illegally recruited²⁴ whereas few others were bribed with lucrative awards²⁵ to manage the said offence. The effects of the economic offence prove the judgement of the High Court of Gujarat as the corruption mothers disorder, jettisons to the glory of the institution and enhances social will to progress.

To conclude the discussion in responding to the RQ-1, economic offences are neither a part of the duty of the VC nor any provision under IPC/ BNS providing privilege. In response to RQ-2, in association with equal minded perpetrators the VCs manage to flee away from their legal liabilities; in the instant case, the network of people helping the VCs to flee away from legal liabilities is equally liable for the said offence vide section 34 IPC and as settled by *Rambilas Singh V. State of Bihar*²⁶ and *Hardev Siingh V. State of Punjab*²⁷. In response to RQ-3, the VC being representative of the Chancellor-cum-Governor of Odisha to manage the university as academic head of the university, is expected to be academic role model for the society; the allegations of dishonesty not only ruin the public trust on the university but also economic offences adversely affect the public exchequer.

²⁴ WP(C) 4128/2024, the High Court of Odisha

²⁵ Information availed from VSSUT webpage

²⁶ AIR 1989 SC 1593:1989 CrLJ 1782

²⁷ AIR 1975 SC 179:1975 CrLJ 243