

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.A. No. 26 of 2017

Swaraj Mohanty

....

Appellant

Mr. Sidheswar Mohanty, Advocate

-versus-

State of Odisha and others

....

Respondents

Mr. M.K. Khuntia, Addl. Government Advocate for State

Mr. C. Ananda Rao, Senior Advocate for Respondent Nos.3 & 4

Mr. Subir Palit, Senior Advocate for Respondent No.5

**CORAM:
THE CHIEF JUSTICE
JUSTICE CHITTARANJAN DASH**

**ORDER
13.01.2023**

Order No.

I.A. No.4006 of 2022

09. 1. The present application has been filed by Opposite Party-State Government, seeking modification of the order passed by this Court on 20th October, 2022 in W.A. No.26 of 2017 only to a limited extent.
2. By the said order, the Court had directed the tuition fees to the extent paid by the Appellant will have to be refunded to him by the State within a period of eight weeks, failing which the amount will be paid together with simple Interest @6% per annum for the period of delay.
3. This Court had issued the direction on the basis that the Institution, i.e., Gandhi Institute of Engineering and Technology (GIET), Gunupur in Rayagada is a Government Institution. It is

now admitted by all parties that it is not a Government Institution. It is a deemed University.

4. Secondly, it has been confirmed by learned counsel appearing for the Appellant that under interim orders of the Division Bench of this Court, the Appellant had in fact paid the tuition fees in part under protest. He confirmed that the said fees were in fact paid to the Institution, i.e., GIET and it was directed by this Court that the said payment would abide the result of the appeal.

5. In that view of the matter, the order passed by this Court on 20th October, 2022 is modified by directing that the tuition fees, to the extent paid by the Appellant to the GIET under the interim orders of this Court, will be refunded to him by GIET within a period of eight weeks. The period of eight weeks will begin to run from today. If it is not paid within eight weeks from today, the amount will be paid by GIET to the Appellant together with simple Interest @6% per annum for the period of delay.

6. Accordingly, the application is disposed of with the above directions and in modification of the order dated 20th October, 2022.

7. A copy of this order will now be sent forthwith to the GIET by the Registry by a special messenger for compliance.

(Dr. S. Muralidhar)
Chief Justice

(Chittaranjan Dash)
Judge