

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No. 1598 of 2020

***Bibhuti Ranjan Tripathy and
others***

.....

Petitioners

Mr. B. Sahoo, Advocate

Vs.

***Registrar Odisha State Council
of Ayurvedic Medicines & Ors.***

.....

Opposite Parties

Mr.A.K. Mishra, AGA

CORAM:

DR. JUSTICE B.R. SARANGI

MR. JUSTICE SANJAY KUMAR MISHRA

ORDER

02.08.2022

Order No.
05.

This matter is taken up through hybrid mode.

2. Heard learned Counsel for the parties.

3. The Petitioners have filed this Writ Petition to quash the Order dated 01.10.2019 passed by the Authority under Annexure-4, and to issue direction to Opposite Parties No.1 and 2 to provide course completion certificate of Diploma Course in Ayurvedic Pharmacy in their favour, as has been issued in favour of other similarly situated students, within a stipulated time.

4. On perusal of the records, it appears that the Petitioners had earlier approached this Court by filing W.P.(C) No. 1148 of 2018, which was disposed of vide Order dated 13.08.2019, directing that in the event the Petitioners approach the Registrar, Odisha State Council of Ayurvedic Medicines, Bhubaneswar-Opposite Party No.4 by filing a representation within a period of two weeks, in view of the decision of this Court in the case of ***Biswa Bhusan Das v. State of Odisha***, (O.J.C. No. 2637 of 1996 disposed of on 09.11.2002), he

shall do well to consider and dispose of the same in accordance with law, within a period of four weeks. Pursuant to such direction, the Order impugned at Annexure-4 dated 01.10.2019 has been passed by the Authority assigning reasons in Paragraphs-(ii), (iii) and (iv) thereof, which are extracted hereunder:-

“(ii) In absence of any Central or State act or rule for running of Diploma Course in Ayurvedic Pharmacy, Govt. in Health & Family Welfare Department did not accord permission to the college for running such course which has been communicated to the petitioner’s college vide order No-4384/H, dt. 14.02.2006.

(iii) In spite of such non-accordance by Govt. the petitioner’s college had made advertisement for admission into such course and accordingly the petitioners got admitted into the college without verifying any authenticity of such course. The college had conducted its own examination and petitioners were passed out from that college.

(iv) It is relevant to mention here that as per section 54-A of Odisha Ayurvedic Medicine Act, 1960, where any Ayurvedic Teaching Institute is affiliated to any University established by law in the State such university shall hold qualifying examinations and other examinations of the students of that institution, confer degree or diplomas on the successful candidates and also all such acts may be necessary for the said purposes.”

5. In the above view of the matter, this Court does not find any illegality or irregularity committed by the Authority in passing the Order impugned so as to warrant interference with the same. Accordingly, the Writ Petition merits no consideration and the same is hereby dismissed.

(DR. B.R. SARANGI)
JUDGE

(S.K. MISHRA)
JUDGE