

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No.21186 of 2017

***Mother Teresa Health Worker
(Female)***

.....

Petitioner

*Mr. Subhasis Satpathy, Advocate on
behalf of Mr. B.K. Nayak, Advocate*

Vs.

State Of Odisha and others

.....

Opposite Parties

*Mr. A.K. Mishra, AGA &
Mr. R.C. Mohanty, Advocate (O.Ps.
2 to 4)*

CORAM:

DR. JUSTICE B.R. SARANGI

MR. JUSTICE SANJAY KUMAR MISHRA

**ORDER
20.06.2022**

Order No.

3.

This matter is taken up through hybrid mode.

2. Heard Mr. S. Satpathy, learned counsel appearing on behalf of Mr. B.K. Nayak, learned counsel for the petitioner, Mr. A.K. Mishra, learned Additional Government Advocate and Mr. R.C. Mohanty, learned counsel appearing for opposite parties 2 to 4.

3. The petitioner files this writ petition seeking to quash the communication dated 23.09.2017 under Annexure-4 proposing withdrawal of NOC in favour of the petitioner's institution with effect from the academic session 2017-18 and to direct the opposite parties to renew the NOC for the Academic Session 2017-18 forthwith and permit the petitioner's-institution to admit students for the Academic Session 2017-18 through the counseling to be held from 09.10.2017.

4. Mr. Satpathy, learned counsel for the petitioner contended that the petitioner's institution is imparting ANM training with effect from the academic session 2005-06. However while the institution was so continuing and the institution was expecting the renewal of NOC for the Academic Session 2017-18 by the Council, the impugned communication under Annexure-4 was issued for withdrawal of NOC.

5. Mr. A.K. Mishra, learned Additional Government Advocate contended that the petitioner has not complied the conditions stipulated for grant of NOC for which no illegality or irregularities have been committed in withdrawing the NOC. As a consequence thereof, the NOC was withdrawn.

6. Mr. R.C. Mohanty, learned counsel for opposite parties 2 to 4 contended that in order to obtain the NOC, the petitioner's institution had to comply certain conditions as per the guidelines issued by the Government, but the same have not been complied with till date and as such, the petitioner's institution is lacking with the same. Therefore, it is well justified to withdraw the NOC issued in favour of the petitioner's institution.

7. Having heard learned counsel for the parties and after going through the records, it appears that NOC was required to be granted in favour of the petitioner's institution for the session 2017-18 to continue imparting ANM training, but the institution was required to comply certain conditions. However during inquiry the following irregularities were found:-

- a. *"Mother Teresa Health Worker (Female) Training Centre is functioning at Barachana and Sri Ullash*

Kumar Sahoo is practically managing Institution.

- b. The Settler and other three Trustees have cancelled the Trust Deed vide Registration id No. 40791700065, dt. 20.01.2017.*
- c. There was no land or building in the name of the Institution. The Institution is functioning in the building which is in the name of Sri Ullash kumar Sahoo, Secretary of the Institution. This is in contravention of physical facilities prescribed in the INC guideline.*
- d. The School Building and Hostel are below the minimum standard prescribed by the INC.*
- e. Poor financial status reflected in the Bank Account of the Institution .*
- f. The Institution did not have PAN/TAN of its own.*
- g. No audited statement prepared for the Institution Account.*
- h. Required faculties have not been appointed as per Teaching faculty prescribed by INC Guidelines.”*

8. As a consequence thereof notice of show cause was issued to the petitioner vide letter dated 18.09.2017. In spite of the show cause notice issued, the petitioner filed his reply, but has not complied the requirement by removing the irregularities pointed out by the authority concerned. As a consequence thereof steps were taken for withdrawal of NOC. But fact remains if the petitioner would have removed the irregularities pointed out by the authority, there would not have been any impediment on the part of the authorities to grant NOC in favour of the petitioner. However, it appears that the petitioner has not complied with the same.

9. In view of the above, this Court is not inclined to entertain

this writ petition. However, it is open to the petitioner to remove the irregularities pointed out by the authority and in case such irregularities are removed, the authorities are at liberty to consider the case of the petitioner's institution for grant of NOC as required under law.

10. With the above observation/direction, the writ petition stands disposed of.

(DR. B.R. SARANGI)
JUDGE

Arun/Banita

(S.K. MISHRA)
JUDGE

