

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No. 8007 of 2021

Amiya Ranjan bariki

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Petitioner

Mr. P.K. Nayak, Adv.

Vs.

State of Odisha and others

.....

Opposite Parties

Mr. P.S. Nayak, Adv. [O.P.Nos.2 & 3]

Mr. C.Pradhan, Sr. Panel Counsel,

Govt. of India [O.P.No.4]

Mr. A.P. Bose, Adv. [O.P.No.5]

CORAM:

DR. JUSTICE B.R. SARANGI

MR. JUSTICE G. SATAPATHY

ORDER

19.09.2022

Order No.

11.

This matter is taken up through hybrid mode.

2. Heard Mr. P.K. Nayak, learned counsel for the petitioner; Mr. P.S. Nayak, learned counsel for opposite parties no.2 and 3; Mr. C. Pradhan, learned Senior Panel Counsel, Govt. of India; and Mr. A.P. Bose, learned counsel for opposite party no.5.

3. Though notice was issued to opposite party no.6, none has entered appearance on its behalf till date. But fact remains, in view of the interim order passed by this Court protecting the interest of the petitioner, this Court is not inclined to wait for appearance of opposite party no.6. Rather, this Court proposes to dispose of this writ petition at this stage.

4. As it appears, the petitioner after completion of Master Degree applied for admission in 3 years LL.B semester course in L.R. Law College, Sambalpur for the academic session 2020-21. He was selected provisionally and intimation letter was issued by opposite party no.3-College through registered post to the petitioner on 09.02.2021 for admission and also directed to submit the documents in original on or before 18.02.2021, failing which

his claim for admission will be forfeited. But the letter dated 09.02.2021 issued by opposite party no.3 was received by the petitioner on 23.02.2021, which is evident as per the postal tracking consignment granted by the competent authority. On receipt of the same, the petitioner immediately approached the opposite party no.3 and requested him to allow him to take admission, but the same was not permitted. Thereafter, he approached opposite party no.4 making allegation against the postal department to take appropriate action against the staff, who committed the mischief. Thereafter, the petitioner came to know that three seats are lying vacant, against which no one has taken admission till date. Due to postal delay and laches on the part of the postal authorities, the petitioner was debarred to get admission, though he was selected to take admission in the opposite party no.3-College. As a consequence thereof, the petitioner has approached this Court by filing the present writ petition.

5. While entertaining this writ petition, vide order dated 15.04.2021, this Court passed interim order directing Sambalpur University, Jyoti Vihar, Burla, Sambalpur and the Principal, Lajpat Rai Law College, Sambalpur to allow the petitioner to attend the classes in LL.B 1st year. Since the aforesaid order was passed on 15.04.2021, the academic session is going to be expired in the meantime. Therefore, the petitioner filed interlocutory application stating that he may be allowed to continue for the academic session 2021-22 and accordingly, vide order dated 17.09.2021, this Court passed interim order directing that for the ensuing academic session, i.e., 2021-22 in the 3 years LL.B semester course in L.R. Law College, Sambalpur, a seat be kept

vacant till the next date of hearing.

6. Learned counsel for the petitioner contended that the petitioner was prosecuting his studies through online basis for the academic session 2021-22. Therefore, by virtue of the interim order passed by this Court, since one seat is lying vacant, considering the application submitted by the petitioner for the academic session 2020-21, the opposite parties may proceed with the same and allow the petitioner to take admission in 3 years LL.B. course for prosecuting his studies.

7. Mr. P.S. Nayak, learned counsel for opposite parties no.2 and 3; Mr. C. Pradhan, learned Senior Panel Counsel, Govt. of India; and Mr. A.P. Bose, learned counsel for opposite party no.5 have no objection to the aforesaid contention raised by learned counsel for the petitioner.

8. Having heard learned counsel for the parties and after going through the records, with the consent of learned counsel for the parties, since one seat was lying vacant by virtue of the interim order dated 17.09.2021 passed by this Court in I.A. No. 13151 of 2021 and also the petitioner was allowed to prosecute his studies for the said year on online basis, in the event he is given admission by regularizing the said period, it will not cause prejudice to anybody, as the petitioner was selected by following due procedure for the academic session 2020-21 and because of postal delay, he was not able to get admission. As such, for no laches on the part of the petitioner, he was debarred to take admission for the academic session 2020-21. Therefore, in the event he is allowed to take admission for the academic session 2021-22, on the basis of application submitted for the academic session 2020-

21, it will suffice the greater interest of the petitioner. Therefore, in the greater interest of justice, equity and fairplay, the petitioner be allowed to take admission for the academic session 2021-22 and also be allowed to appear in the examination taking into consideration his application for admission submitted for the academic session 2020-21. Since the petitioner has already prosecuted his studies for one year through online basis for the academic session 2021-22, his case be regularized accordingly on payment of requisite fees.

9. Accordingly, the writ petition stands disposed of.

Issue urgent certified copy as per rules.

Ashok/Kishore

