

ORISSA HIGH COURT: CUTTACK
W.P.(C) No. 8044 OF 2021

In the matter of an application under Articles 226 and
227 of the Constitution of India

AFR

Y. Paban Kumar Petitioner

-Versus-

Central University of Odisha
Landiguda, Koraput & others Opp. Parties

For Petitioner : M/s S.K. Mishra,
P.K. Rout, B.P. Pradhan
Advocates

For Opp. Parties : M/s T.N. Murty, T.G.N. Murty,
B. Udgate, Advocates

P R E S E N T:

THE HONOURABLE DR. JUSTICE B.R.SARANGI
AND
HONOURABLE MR. JUSTICE SANJAYA KUMAR MISHRA

Date of hearing: 26.07.2022 and Judgment: 03.08.2022

Mr. S.K. Mishra, J. The Petitioner has approached this Court challenging the Notice dated 25.02.2021 of the Registrar, Central University of Odisha (CUO), as at Annexure-8, vide which his provisional admission in the Department of Business Management was cancelled

for not fulfilling eligibility criteria to take admission in Master Business Administration (MBA) in the Opposite Party-University. Apart from the same, it has been prayed to direct the Opposite Parties to allow the Petitioner to prosecute his studies in the MBA course and complete the same successfully without any difficulty as the Petitioner was allowed to take admission.

2. The brief background facts leading to filing of the present Writ Petition are that the Opposite Party No.1-University issued Advertisement for admission in different courses for the Session 2020-21, pursuant to which the Petitioner filled up the form to sit in the Central Universities Common Entrance Test, 2020 (CUCET) for admission in MBA course in the Opposite Party No.1-University. A selection test was conducted, and after due verification of the testimonials of the Petitioner, he was selected and accordingly, the merit list of the selected candidates was published and in the said merit list, the name of the Petitioner was found

place with University Roll No.20/06/DBM/18 and the Petitioner also deposited the requisite fees, as prescribed by the University, towards admission on 30.10.2020.

Further case of the Petitioner is that on receipt of the fees deposited by him, the admission of the Petitioner in MBA course was accepted by the University on 03.11.2020 and due intimation was given to him with regard to starting of classes and he was allowed to attend classes with the aforesaid roll number.

While the matter stood thus and the Petitioner was prosecuting his studies, the Controller of Examination (I/C) of the University issued Notice on 04.01.2021 with regard to 1st Mid Semester Examination (Monsoon Session) of the 1st Semester scheduled to be held from January 11-18, 2021 and the Petitioner completed 1st Semester successfully. Then, on 28.01.2021, the 2nd Semester Notice was issued, and

the Petitioner completed the 2nd Semester. While continuing as such, the Opposite Party No.1, vide its Notice dated 25.02.2021, cancelled the admission of the Petitioner on the ground of not fulfilling the eligibility criteria, which has been impugned in the present Writ Petition.

3. This Court, while issuing Notice in the Writ Petition, on 03.03.2021, passed the following Order:

“ W.P.(C) No.8044 of 2021
and
I.A. No. 3695 of 2021

Issue notice through Speed Post to the opposite parties indicating therein that the matter shall be disposed of at the stage of admission, requisites for which shall be filed by 04.03.2021.

As an interim measure, this Court directs that the petitioner be allowed to attend the online classes of MBA course since he has allowed to take admission in MBA course by depositing the requisite fees and in the meantime, he has already completed two Semesters and further the order dated 25.02.2021 issued by the Registrar, Central University of Odisha under Annexure:8 cancelling the provisional admission of the petitioner without complying the principles of natural justice.

Put up this case on 26.03.2021.”

4. When the matter was pending before this Court, a Notice was issued on 05.03.2021 by the Controller of Examinations, CUO, indicating therein that the students, who are not fulfilling the eligibility

criteria for respective programme as mentioned in CUO Prospectus for academic Session 2020-21 and students who have not submitted their documents in support of their eligibility for verification yet, shall not be allowed to appear in End Semester Examination of Monsoon Session 2020-21 for 1st Semester, scheduled to be held in March 08-17, 2021. The present Petitioner filed I.A.No.4427 of 2021 annexing thereto the said Notice dated 05.03.2021, praying therein to direct the Opposite Parties to allow him to sit in the End Semester Examination of Session 2020-21 for 1st Semester to be held in March, 08-17, 2021 or through a special examination. In the said I.A. and the present Writ Petition, the following Order was passed on 16.03.2021:

“ **I.A. No.4427 of 2021 & W.P.(C) No.8044 of 2021**

This matter is taken up through Hybrid Mode.

Heard Mr. Sukanta Kumar Mishra, learned counsel for the sole petitioner.

None appears on behalf of the Opp. Parties. Notice has been issued to the Opp. Parties fixing 24.03.2021 for their appearance.

Learned counsel for the petitioner states that this Court vide order dated 03.03.2021, issued notice and posted the case to 26.03.2021 and an order was passed for

allowing the petitioner to attend online classes of MBA Course in the Central University, Koraput.

However, learned counsel for the petitioner submits that the petitioner has been allowed to attend online classes but not allowed to appear in the examination even though a similarly situated students has been allowed to do so vide Notice dated 10.03.2021 of the Controller of the examination-Dr. Ram Shankar reference No.CUO/Exam./2021/57 dated 10.03.2021 (Annexure B to this I.A.).

Learned counsel for the petitioner further submits that although the link to appear in the examination was not made available to him, but he has appeared through the link of another student and submitted his answer sheets for the papers in which the examinations have already been conducted, but his answer sheets are not being sent to the concerned Department for evaluation.

In view of the above developments, we direct the petitioner to bring these facts to the notice of the Opp. Party No.3, i.e. Controller Examination Central University of Odisha, Koraput requesting him allow the petitioner to appear in the rest of the paper (s) which are left.

In such a situation, the Controller of Examination, Central University Opp. Party No.3 shall consider the grievance of the petitioner and pass appropriate order strictly in accordance with law. We are of the opinion that since the career of a student is very important, a liberal view/approach should be taken by the Opp. Party No.3 for allowing him to appear in the examination apart from forwarding the answer sheets of the papers already submitted by the petitioner, to the concerned Head of the Department through e-mail."

We hope and trust that the Opp. Party No.3 shall consider and deal with the request/grievance of the petitioner dispassionately and compassionately. It is needless to say that any decision taken by the Opp. Party No.3 in favour of the petitioner and appearance of the petitioner in the examination shall be subject to further orders passed in this writ application."

(emphasis supplied)

5. Pursuant to Notice issued in the present Writ Petition, a Counter Affidavit has been filed by the Opposite Parties on 26.03.2021. In the Counter

Affidavit, it has been stated that the Opposite Party-University took part in Central University Common Entrance Test 2020-2021, shortly, CUCET, along with 11 other Central Universities established across the Country in different States and it sent its Prospectus as well as the programme-wise eligibility condition to CUCET, which uploaded the same on its website for holding the entrance test. Pursuant to the same, a common entrance test was held for all the participating Universities from 18th to 20th September, 2020. It has also been stated in the Counter Affidavit that the Academic Council of the Central University of Odisha has formulated conditions and eligibility criteria for taking admission in the Universities and the same was duly made known and published in its e-Prospectus hoisted on its website, i.e. www.cuo.ac.in. In terms of the said e-Prospectus, the eligibility for candidates seeking admission in MBA programme in the Central University, Odisha, should be Graduate with minimum 60% mark in aggregate from recognized University/

Institution with 5% relaxation to SC/ST/PwD candidates and should not be more than 30 years of age and the candidates seeking admission in the University should have the requisite qualification and are required to submit document in support of their claim, lest their applications for admission shall be rejected.

6. The Petitioner applied for a seat in MBA programme for the Academic Year 2020-21, claiming that he fulfills all the eligibility criteria to take part in Entrance Examination, and appeared in the Entrance Test conducted by the CUCET on 19.09.2020. Pursuant to the same, the CUCET forwarded the result-cum-score card of the said examination to the University, in which the Petitioner's name finds place. Basing on the said result-cum-score card, the Petitioner came forward to take admission and online portal counseling was conducted by the Central University of Odisha on 19th and 20th October, 2020. On 21.10.2020, the Petitioner submitted an undertaking to submit all the relevant

documents, including the Graduation Certificate and Graduation Mark Sheet by 31.03.2021, which has been annexed to the Counter Affidavit as at Annexure-C. Vide the said undertaking, the Petitioner further declared that:

“ UNDERTAKING ABOUT NON-SUBMISSION OF DOCUMENTS FOR SEEKING ADMISSION FOR ACADEMIC YEAR 2020-21 IN CENTRAL UNIVERSITY OF ODISHA

I. Y. Paban Kumar D/o/S/oShri/Smt. Y. Eswar Rao do hereby declare on oath as under;

1. That I have applied for admission into MBA (Name of the Programme) at CUO. I fulfill all the eligibility conditions for admission to the Programme.

2. That I will submit all the relevant documents of qualifying examination by 31.12.2020.

3. That I will also submit the following documents as per the requisite format latest by 31.03.2021.

(List of documents to be submitted for which this undertaking is being given)

- a) Graduation Certificate
- b) Graduation Mark Sheet
- c) xxx...
- d) xxx...
- e) xxx...
- f) xxx...
- g) xxx...

4. That failure to submit the requisite documents within the stipulated date shall result in automatic cancellation of my admission and the Central University of Odisha shall have no liability for the same.”

7. It is further stand of the Opposite Parties that due to Covid-19 Pandemic situation prevailing in the Country, causing much hardship to the students to get

their testimonials from their previous/respective Institutions, which may ultimately adversely affect the students possessing the eligibility conditions, online counseling was conducted by the Central University of Odisha on 19th and 20th October, 2020. Since the Petitioner could not produce the certificates to substantiate his claim of fulfilling the eligibility conditions, he gave an undertaking as indicated above. Hence, the exercise of verification of documents could not take place at the time of giving provisional admissions to the candidates, including the Petitioner and physical verification of documents was deferred to a future date and was scheduled to be taken up in the middle of February, 2021. During the physical verification of the document, it came to the notice of the Authority of the University that the Petitioner does not possess the requisite minimum qualification and he, being fully aware of the eligibility criteria, had elected to apply and took provisional admission in the University, in spite of his ineligibility to take such admission,

taking the risk of cancellation of such admission at any time. On scrutiny of documents, it was found that the Petitioner does not possess the requisite qualification to apply a seat in MBA in the Central University of Odisha and he being an OBC candidate, though was required to secure minimum 60% marks in aggregate in Graduation from any of the recognized University/Institution, he had secured only 54.3% in Graduation. The Petitioner deliberately did not produce his documents as per his declaration and undertaking. However, being physically present on 18.02.2021 in the University, he produced the Mark Sheet and Graduation Certificate before the Authority, on which date it came to the knowledge of the University Authority about the disqualification of the Petitioner to take admission in MBA programme. Hence, immediately the Registrar of the University, vide Notice dated 25.02.2021, as at Annexure-8, cancelled the provisional admission of the Petitioner and intimated him about the same, which is impugned in the present

Writ Petition, in terms of the provisions enshrined in Ordinance-4 [Clause 26(d)] of Academic Ordinance read with the information provided in the e-prospectus 2020-2021. That apart, the contention of the Petitioner as to completion of two semesters has been disputed and it has been stated that the Petitioner has only appeared in two internal tests conducted by the University and he did not take part in the 1st Semester Examination, which commenced from 8th March, 2021. It has also been contended in the Counter Affidavit that though the Degree Certificate and Academic Transcripts produced by the Petitioner, as at Annexure-2 Series, show that the result of the degree was published on 28.10.2020 and he has secured 54.3%, which is far less than the requisite percentage to entitle him to apply for a seat in MBA programme and take admission in the University, the Petitioner deliberately did not produce the same immediately on its receipt and after lapse of nearly 4 months, he personally produced the same on 18.02.2021 and the Petitioner has suppressed the said

fact in the present Writ Petition, including the fact as to execution of an undertaking on 21.10.2020, as at Annexure-C, that if he failed to submit the requisite document i.e. Graduation Certificate and Graduation Mark Sheet, within the stipulated date, the same shall result in automatic cancellation of his admission and the Central University of Odisha shall have no liability for the same.

8. The Petitioner filed a Rejoinder Affidavit, in response to the Counter Affidavit filed by the Opposite Parties, on 20.02.2022. Though it has not been pleaded in the Writ Petition that soon after publication of his result on 28.10.2020, the Petitioner submitted the Certificate and Mark Sheet of the Graduation before the Authorities-Opposite Parties, apart from disputing other averments made in the Counter Affidavit filed by the Opposite Parties, without disclosing as to his mode of submission of the said Certificate and Mark Sheet so also date of such alleged submission of Mark Sheet of Graduation, for the first time, in the Rejoinder Affidavit

filed by the Petitioner, it has been stated in Paragraph-7 as follows:

*“ 7. ... xxx It is needless to mention here that the graduation result of the petitioner was published on 28.10.2020 and the petitioner has secured **54.3%** marks. Soon after the result was published, the petitioner submitted the certificate and mark sheet of the graduation before the authorities. Knowing fully well that the petitioner has secured **54.3%** marks in the Graduation, the opposite party No.1 has instructed the petitioner to deposit the required fees. The petitioner submitted the fees on 30.10.2020 as per annexure-4, which was duly accepted by the opposite parties. On 03.11.2020 it was intimated to the petitioner that the class starts details will be intimated later on. Finally the classes were started and the petitioner prosecuted his studies in the said institution.”*

9. We have heard Mr. Sukanta Kumar Mishra, learned Counsel for the Petitioner, and Mr. T.N. Murty, learned Counsel appearing for the Opposite Parties through virtual mode and perused the records. Pleadings between the parties have been exchanged and with consent of learned Counsel for the Parties so also in view of the Interim Order dated 03.03.2021, vide which it was ordered that matter shall be disposed of at the stage of admission, the Writ Petition is being disposed of at this stage.

10. It is contended by the learned Counsel for the Petitioner that the Petitioner had disclosed all the facts at the time of admission in MBA course and the Opposite Party-University, with due knowledge of his acquiring 54.3% marks in Graduation, permitted him to take admission in MBA course and directed the Petitioner to deposit the requisite fee, which was deposited on 30.10.2020 as per Annexure-4 and was duly accepted by the Opposite Parties and the Petitioner was intimated on 03.11.2020 with regard to commencement of class. Finally, the class was started and the Petitioner prosecuted his studies in the said institution and has successfully completed the same. Hence, the impugned Notice of cancellation of his provisional admission as a student in the Department of the Business Management dated 25.02.2011 deserves to be set aside and the Opposite Parties be directed to do further in the said regard and the Petitioner should not suffer for the laches of the Opposite Parties.

It is also contended by the learned Counsel for the Petitioner that before issuance of Notice dated 25.02.2021 under Annexure-8, vide which the admission of the Petitioner was cancelled, no opportunity has been given to the Petitioner to have his say in the matter and there is violation of Principles of Natural Justice and on that score alone, the impugned Notice of Cancellation dated 25.02.2021 deserves to be set aside.

11. Per contra, the learned Counsel for the Opposite Parties reiterated the stand taken in the Counter Affidavit and further submitted that apart from on merit as to non-fulfilling the minimum eligibility criteria of securing 60% marks in aggregate in Graduation from recognized University/Institution to take admission in MBA course, the Writ Petition also deserves to be dismissed with exemplary cost for misleading this Court so also for suppressing material fact of giving undertaking dated 21.10.2020, as at Annexure-C, to the Counter Affidavit filed by the

Opposite Parties and also misleading this Court by falsely stating in the Rejoinder Affidavit for the first time that the Petitioner submitted the Certificate and Mark Sheet of Graduate before the Authorities immediately after the same was being published on 20.10.2021 and knowing well that he has secured 54.3% in Graduation, the Opposite Party No.1 instructed the Petitioner to deposit the required fees.

Learned Counsel appearing for the Opposite Parties further submitted that no allegation of any action tainted with *mala fide* against the University or its staff has been made by the Petitioner. The decision to cancel the provisional admission of the Petitioner vide Notice dated 25.02.2021 is based on reasons with reference to the document submitted by the Petitioner and not arbitrary and based on the admitted fact that he is not possessing the requisite minimum qualification, entitling him to take admission in the MBA in the Central University of Odisha and this Court should refrain from introducing its notions in

such academic matter to direct admissions, which would amount to ignoring the standards fixed by the University and the University has rightly cancelled the provisional admission of the Petitioner due to lack of eligibility criteria to take admission in the said course of MBA in University.

It was also contended by the learned Counsel for the Opposite Parties that since it is admitted by the Petitioner that he secured 54.3% mark in Graduation, which is below the minimum required percentage of mark in Graduate, and he was not fulfilling eligibility criteria of minimum 60% mark required for seeking admission into MBA programme, merely on the ground of not following the Principles of Natural Justice, the impugned Notice dated 25.02.2022, as at Annexure-8, cannot be said to be illegal and it would not have of any use, had the Petitioner been noticed to have his say before issuance of such Notice of cancellation, as at Annexure-8.

12. Learned Counsel for the Petitioner relies on the judgment of this Court in case of **Nikita Sharma v. Ravenshaw University and others**, 2018(II) ILR-CUT-380, whereas learned Counsel for the Opposite Parties relies on the decision of **Subash Chandra Sahoo v. Central University of Odisha and others**, (W.P.(C) No.9178, 2021, decided on 04.06.2021).

13. It is well evident from the Registration Slip dated 24.05.2020, as at Annexure-1, issued in favour of the Petitioner that though under the heading “**Academic Qualification Details**”, which is in a tabular form, against Sl. No.3 i.e. Graduation, under the heading “**year of passing**”, it has been indicated as “**Awaited**” and under the heading “**% of marks**”, it has been indicated as “**0**”. Similarly, under the heading “**Declaration**”, the Petitioner has undertaken that he will be abided by the Rules and Regulations of the CUCET, 2020 and PU’s. Further, a declaration has been given by the Petitioner that he has gone through and understood the eligibility criteria and his admission

is subject to the fulfilling of eligibility criteria of the University/Programme, for which he is applying for and he will be solely responsible for his eligibility and he shall be denied admission if he is not found eligible at the time of admission. Similarly, the Petitioner gave an undertaking on 21.10.2020 as quoted above.

14. As it seems, the Petitioner was well aware since 28.10.2020 that he has secured only 54.3% marks in the Graduation, which is below the minimum required percentage of marks in aggregate i.e. 60%, required for a candidate seeking admission into MBA programme in the Central University of Orissa. Knowing fully well about such eligibility criteria and his non-possession of such minimum requirement to take admission into MBA programme so also his declaration dated 24.05.2020 submitted online, as at Annexure-1, as well as written declaration/undertaking dated 21.10.2022 as quoted above, the Petitioner took the risk of taking admission in MBA course by depositing the requisite fee on 30.10.2020 so also attending the online classes

of MBA course, in view of the Interim Order dated 03.03.2021 passed by this Court and appeared in the Examination by virtue of Order dated 16.03.2021 passed by this Court, wherein it was clearly indicated that the Controller of Examination, Central University- Opposite Party No.3, shall consider the grievance of the Petitioner and pass appropriate Order strictly in accordance with law and any decision by the Opposite Party No.3 in favour of the Petitioner and appearance of the Petitioner in the Examination shall be subject to further Orders passed in this Writ Petition. Since the Petitioner was well aware of the eligibility criteria for the MBA course in Central University of Odisha, Koraput, for such conduct he only has himself to blame, as the minimum qualifying percentage for eligibility to be admitted in the MBA course, being an essential condition, cannot be diluted. When the Petitioner was admittedly not fulfilling the said criteria, the question of permitting him to continue pursuing the MBA course in the University does not arise.

15. To substantiate the prayer made in the Writ Petition, the Petitioner has relied upon the judgment i.e. **Nikita Sharma** (supra). On examination of the said judgment, it is found that the facts and circumstances of the said case are different from the present case and the same is not applicable to the Petitioner's case.

16. Learned Counsel for the Opposite Parties has relied upon the judgment of this Court i.e. **Subash Chandra Sahoo** (supra) to substantiate the stand of the Opposite Parties. It is pertinent to mention that, vide Annexure-8 i.e. Notice dated 25.02.2021, the Registrar of the Central University of Odisha, cancelled the provisional admission of the present Petitioner so also another student/candidate, namely, Subash Chandra Sahoo, who was the Writ Petitioner in W.P.(C) No.9178 of 2021, which was dismissed on 04.06.2021 with the following observations:

10. The above submissions have been considered. It is evident from the counter affidavit of Opposite Parties 1 to 3, which is not disputed by the Petitioner, that the CUCET Admission Announcement, which was uploaded on its website, and the link for which was provided to the CUCET-2020, clearly spelt out the minimum eligibility condition for

the MBA Course as 60% marks in the graduate degree. It was placed in the public domain, and was accessible to every candidate applying for courses in the CUO. It is, therefore, not possible to accept the contention of the Petitioner that he was unaware of the eligibility criteria specific to the MBA course in CUO.

11. In any event in the declaration signed by him, which forms part of the CUCET 2020 Registration Slip dated 15th May 2020 issued to him, the Petitioner states that he has "gone through and understood the eligibility criteria" and further that: "I understood that my admission is subject to the fulfilling of eligibility criteria of the University/Program I am applying for." Lastly: "I will be solely responsible for my eligibility and I shall be denied admission if I am found not eligible at the time of admission."

12. If despite the above, the petitioner failed to find out what the eligibility criteria for the MBA Course in CUO, Koraput was, then he only has himself to blame. The minimum qualifying percentage for eligibility to be admitted to the MBA course is an essential condition that cannot be diluted. With the Petitioner admittedly not fulfilling the said criteria, the question of permitting him to continue pursuing the MBA course in CUO, Koraput does not arise."

17. It is well settled law that sympathy and sentiments by itself cannot be a ground for passing an Order in relation where to the Petitioner has miserably failed to establish a legal right in his favour. A legal right to admission arises only when the Petitioner establishes his entitlement to admission into the University complying with the conditions enumerated in the e-prospectus. So, the Petitioner has to face the consequences and no bonafide lies in his favour to seek any equity.

18. As regards expressing distorted facts before the Court and not approaching with clean hands, in **R. v. Kensington, Income Tax Commissioner**, (1971) 1 KB 486 at page 506, it has been held as follows:

“The prerogative writ is not a matter of course; the applicant must come in the manner prescribed and must be perfectly frank and open with the Court.”

19. In **State of Haryana v. Karnal Distillery**, AIR 1977 SC 781, the apex Court refused to grant relief on the ground that the applicant has misled the Court.

20. In **Chancellor v. Bijayananda Kar**, AIR 1994 SC 579, the apex Court held that a writ petition is liable to be dismissed on the ground that the Petitioner did not approach the Court with clean hands.

21. Taking into consideration the above judgments, this Court, in **Netrananda Mishra v. State of Orissa**, 2018 (II) OLR 436, came to a conclusion in paragraph-26 of the said judgment and held as under:-

“.....For suppression of facts and having not approached this Court with a

clean hand, the encroacher is not entitled to get any relief, particularly when the valuable right accrued in favour of the petitioner is being jeopardized for last 43 years for no fault of him, on which this Court takes a serious view.....”

22. It is well revealed from the pleadings of the Parties that the Petitioner not only tried to mislead this Court by subsequently pleadings in his Rejoinder Affidavit that soon after the result was published on 28.10.2020 he submitted the Graduation Certificate as well as the Mark Sheet before the Authorities but also suppressed the material fact as to his undertaking submitted before the Opposite Parties dated 21.10.2020, as at Annexure-C to the Counter Affidavit. Therefore, applying the above ratio to the present case, this Court is of the considered view that by giving distorted facts the Petitioner has tried to mislead this Court to obtain an Order in his favour.

23. So far as the contention of the learned Counsel for the Petitioner as to not according opportunity to have his say before issuance of Notice of

cancellation dated 25.02.2021, as at Annexure-8, in ***Dharampal Satyapal Ltd. v. Deputy Commissioner of Central Excise Gauhati***, (2015) 8 SCC 519, the apex Court held that even if notice was issued, if there is no chance of change in the factual aspect, merely on the ground of not following the Principles of Natural Justice, the Order cannot be said to be illegal. Similarly, in case of ***Escorts Farm Limited v. Commissioner, Kumaon Division, Naintal U.P. & others***, (2004) SCC 281, the apex Court held that it would be of no use, if it amounts to completing a mere ritual of hearing without possibility of any change in the decision of the case on merit. As admittedly the present Petitioner is not fulfilling the eligibility criteria of securing minimum 60% to get himself admitted in MBA course, had he been noticed even before issuance of the Notice of cancellation, as at Annexure-8, it would have been a mere ritual of hearing without possibility of any change in the decision of the case on merits. Hence, the Opposite Parties are justified to issue the

Notice of cancellation dated 25.02.2021, as at Annexure-8 and there is no illegality or infirmity in issuance of such Notice, which has been impugned in the present Writ Petition.

24. Apart from the same, as is ascertained from the Order of this Court in **Subash Chandra Sahoo** (supra) passed by a coordinate Bench, the same is identical to the case of the present Petitioner pertaining to the same University. Apart from that, the impugned Order in the present Writ Petition i.e. Notice dated 25.02.2021, as at Annexure-8, vide which the provisional admission of both the present Writ Petitioner so also the Writ Petitioner in W.P.(C) No.9178 of 2021, being a common notice, was being impugned in W.P.(C) No.9178 of 2021, which was dismissed on 04.06.2021 with the observations quoted above. Hence, we are not inclined to allow the present Writ Petition.

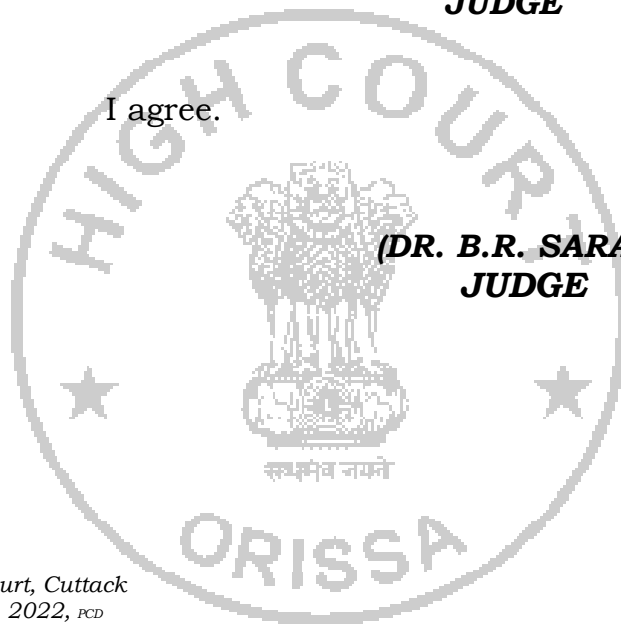
25. Accordingly, the Writ Petition is dismissed. The Interim Orders passed by this Court are hereby vacated. There shall be no order as to the costs.

(S.K. MISHRA)
JUDGE

DR. B.R. SARANGI, J.

I agree.

(DR. B.R. SARANGI)
JUDGE



Orissa High Court, Cuttack
The 3rd August, 2022, PCO