

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No. 10823 of 2017

Pragyan Nanda Shukla

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Petitioner

Mr. Saibrata Rath, Adv.

Vs.

Vice Chancellor, BPUT and Ors.

.....

Opposite Parties

Mr. S. Palit, Sr. Adv [O.P.Nos.1 & 2].

Mr. M.K. Rath, Adv.[O,P.No.3]

CORAM:

DR. JUSTICE B.R. SARANGI

MR. JUSTICE B.P. SATAPATHY

ORDER

16.11.2022

Order No.

09.

This matter is taken up through hybrid mode.

2. Heard Mr. Saibrata Rath appearing on behalf of Mr. P.K. Rath, learned counsel for the petitioner; Mr. S. Palit, learned Senior Counsel appearing for opposite parties no.1 and 2; and Mr. M.K. Rath, learned counsel appearing for opposite party no.3.

3. The petitioner has filed this writ petition seeking direction to the opposite parties to publish his result in M.Tech 2nd Semester (back) Examination 2013-14 as per Annexure-5 and to issue certificate thereon along with compensation within a stipulated time.

4. Mr. Saibrata Rath, learned counsel appearing on behalf of Mr. P.K. Rath, learned counsel for the petitioner vehemently contended that even though the petitioner appeared in M.Tech. 2nd Semester (back) Examination, 2013-14, result thereof has not been published causing gross harassment to him and, as such, affecting his career by preventing him to get any job opportunity for three years. Thereby, the petitioner should be compensated appropriately.

5. Mr. S. Palit, learned Senior Counsel appearing for opposite parties no.1 and 2-University contended that the petitioner had not

appeared in the M.Tech. 2nd Semester (back) Examination, 2013-14 and, therefore, his result was not published. It is contended that the contention raised, that the petitioner has appeared in the examination, is without any document and records. If at all the petitioner has appeared in the examination, the record thereof is not available with the University. Even though reliance was placed on the correspondence made by the Principal of the College-opposite party no.3 that the petitioner had appeared in the examination, but nothing is available with the University to justify the claim of the petitioner that he had appeared in the examination.

6. Mr. M.K. Rath, learned counsel appearing for opposite party no.3 contended that the petitioner had appeared in M.Tech 2nd Semester (back) Examination 2013-14, but result thereof was not published till date. Therefore, request was made by the Principal, vide letter dated 23.03.2017, to the Director of Examination, BPUT, Rourkela to publish the result and to issue grade sheet and provisional certificate.

7. Having heard learned counsel for the parties and after going through the records, this Court finds that in one hand even though the petitioner as well as the College Authority are stating that the petitioner had appeared in the examination, such fact has been stoutly denied by the University in its affidavit by stating that no such documents are available with them with regard to appearance of the petitioner in the examination. It is further stated in the affidavit that with connivance of the petitioner as well as the College Authority, such stand has been taken. Since no records were found in the University indicating that the petitioner had appeared in the examination, the result of the petitioner could not be declared. But fact remains, on the one hand the petitioner and College Authority are stating that the petitioner had appeared in

the examination, but in other hand the University disputed such fact. Therefore, disputed questions of fact are involved in the present writ petition. As such, this Court is not inclined to entertain this writ petition. However, liberty is granted to the petitioner to pursue his remedy before the appropriate forum seeking a declaration in accordance with law.

8. With the aforesaid liberty, the writ petition stands disposed of.

(DR. B.R. SARANGI)
JUDGE

(B.P. SATAPATHY)
JUDGE

Ashok

