

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.10231 of 2022

A. Sai Gaurav and others

....

Petitioners

**Ms. Saswati Mohapatra
Advocate**

-versus-

***Registrar, Madhusudan Law
University, Cuttack and others***

....

Opposite Parties

**Mr. T.K.Satpathy,
Advocate
(For O.P.Nos.1 & 2)**

CORAM:

JUSTICE SASHIKANTA MISHRA

**ORDER
07.9.2022.**

Order No.

I.A. No.12113/2022

- 03.
1. This matter is taken up through hybrid mode.
 2. Heard learned counsel for the Petitioners and learned counsel appearing for Opposite Party Nos.1 and 2.
 3. The present application has been filed with a prayer to stay the Notification dated 20th August, 2022 pending disposal of the Writ Petition. By the said Notification issued by the Controller of Examinations, Madhusudan Law University,

Cuttack (for short 'MLU'), the programme for conduct of 2nd Semester Three Years' LL.B. Examination was published. By means of an additional affidavit filed today in Court by the learned counsel for the Petitioners, a revised programme issued by the Controller of Examinations on 3rd September, 2022 has been issued as per which, the aforementioned examination is scheduled to be held from 9th September, 2022 onwards.

4. The Petitioners are aggrieved by tagging of the S.B.G. Law College, Cuttack in which they are studying with MLU for the purpose of conduct of examination. It is submitted that by Notification dated 14th March, 2022(enclosed as Annexure-2 to the Writ Petition) the examination center for S.B.G. Law College, Cuttack is mentioned as 'attached with MLU, Cuttack'.

5. Ms. S. Mohapatra, learned counsel appearing for the Petitioner forcefully argues that tagging of the Institution with MLU is entirely contrary to the First Statute of Odisha Universities as also without any justified reason. Neither there is any allegation of malpractice nor absence of facilities for smooth conduct of examination in S.B.G. Law College, Cuttack is cited as the reason. It is further submitted by Ms. Mohapatra that as per the same Notification dated 14th March, 2022, Bhadrak Law College, Bhadrak was attached with I.C.S.S. Law College, Bhadrak but by subsequent Notification dated 3rd September, 2022, the same has been rescinded and the

examination centre has been fixed in the said College itself. It is claimed that S.B.G. Law College, Cuttack stands on the same footing and therefore, the same decision should have been taken.

6. On the other hand, Mr. T.K.Satpathy, learned counsel appearing for the Opposite Parties 1 and 2 (MLU), has argued that the First Statute confers power on the Syndicate to decide the center of examination without assigning any reasons. In the instant case, 1st Semester Examination of Three Years' LL.B. students of S.B.G. Law College was held in the premises of MLU. Therefore, for smooth conduct of examination, a decision was taken by the syndicate keeping the welfare of the students in future. It is also submitted that both the Institutions are in Cuttack and separated by a distance of only 2 kms.

7. Undoubtedly, 1st Semester of Three Years' LL.B. Examination was held in MLU examination center. Though the relevant provisions of the First Statute have been referred to in the I.A. yet, what difficulty the students are likely to face if the examination is held at MLU has not been specifically stated. If the 1st Semester Examination could be held apparently without any hassles in MLU, there is no reason as to why the 2nd Semester Examination cannot be held there. The Writ Petition as well as the I.A have been filed by only 6(six) out of more than 50(fifty) students of Three Years' LL.B. course and there is nothing on record to show that the same has been filed in a

representative capacity. That apart, merely by referring to the provisions of the First Statute without in the least highlighting the difficulties or personal grievances against the fixing of the examination center at MLU, it would not be proper to interfere with the decision of the University authorities in this regard, more so, when it is specifically contended that such decision has been taken keeping the welfare of the students in mind.

8. For the foregoing reasons therefore, this Court is not inclined to interfere in the matter at this stage. Resultantly, the I.A. stands rejected.

9. Urgent certified copy of this order be granted on proper application.

AKB

(Sashikanta Mishra)
Judge