

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.9213 of 2019

The Controller, State Council of Petitioner
Technical Education &
Vocational Training

-versus-

Rudra Narayan Dash & Ors. Opposite Parties

CORAM:
JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER
28.11.2022

Order No

09. 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical) Mode.
2. Heard Mr. B.K. Dash, learned counsel for the Petitioner and Mr. B.P. Nanda on behalf of Mr. Bidyaloka Mohapatra, learned counsel appearing for O.P. No. 1. In spite of notice nobody has entered appearance for O.P. No. 2.
3. The present writ petition has been filed challenging the Judgment/award dtd.01.03.2019/08.03.2019 passed by the Permanent Lok Adalat, Dhenkanal in PLA Case No. 90 of 2017. The said PLA Case No. 90 of 2017 was filed by the Petitioner inter alia with the following prayer:-

"1. That, the O.P. 1 & O.P. 2 may be directed to issue the provisional certificate as soon as possible as already five years has gone in this process to get the provisional certificate.

2. That, the Opp. Parties may be directed to give R. 1,00,000/- as compensation to the petitioner for the loss suffered in this petitions by not getting a service after completing a technical education due to the negligence of the Opp. Parties and mental agony.

3. That, the Opp. Parties may be directed to pay Rs.10,000/- for litigation expenses met by this humble petitioner.

4. That, any other relief/reliefs that the Hon'ble forum think fit & proper may kindly be awarded in favour of the petitioner."

4. Mr. B.K. Dash, learned counsel for the Petitioner submitted that even though the Private O.P. No. 1 has never appeared the 1st and 2nd Semester examination, but in absence of any document to that effect learned Lok Adalat passed the impugned order by directing the Petitioner to issue mark sheet of 1st & 2nd Semester examination and the pass certificate showing passing of the Diploma course in Electrical Engineering.

5. Learned Lok Adalat also directed the O.P. No. 2 herein to pay a compensation of Rs.1,00,000/- (Rs. One lakh) to the Petitioner for his gross negligence by providing registration number to the Petitioner not given by the present Petitioner and not taking any step at his end to reconcile the dispute with the Petitioner.

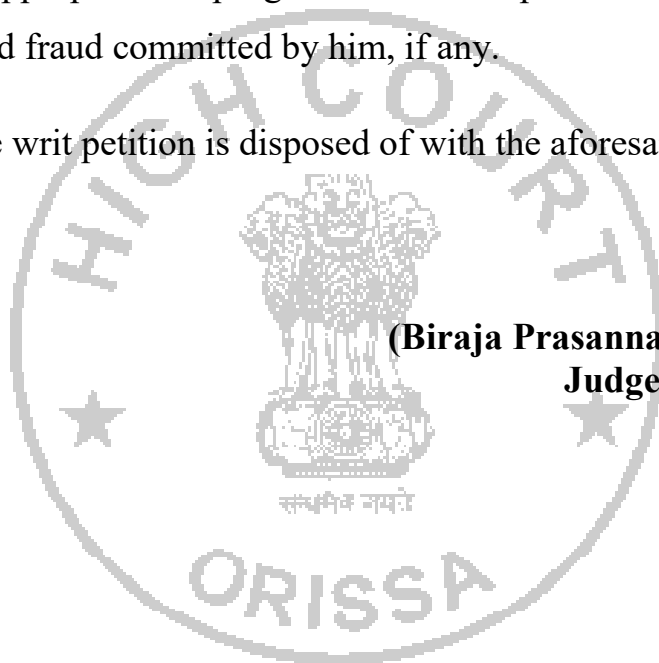
6. This Court after going through the pleadings and the materials available on record directed learned counsel appearing for O.P. No. 1 to produce any document showing his appearance in the 1st & 2nd Semester examination conducted by the Petitioner-Council vide order dtd.27.10.2022. In spite of several opportunity O.P. No. 1 is unable to produce any such document showing his appearance in the 1st & 2nd Semester examination.

7. It is, however, fairly submitted by the learned counsel appearing for the O.P. No. 1 that because of the wrong committed by the Principal of the College by providing the fake Registration number, the Petitioner though appeared in other four Semesters, but he has never appeared in the 1st & 2nd Semester examination.

8. In view of such stand taken by the learned counsel for O.P. No. 1, this Court finds that the learned Lok Adalat without proper appreciation of the materials available on record has passed the impugned judgment/award on 01.03.2019/08.03.2019. Therefore, this Court is inclined to quash the said award and while quashing the same so far as it relates to the direction to the Council to publish the result of the 1st & 2nd Semester examination and to issue pass certificates of completing diploma course in Electrical Engineering in favour of the Petitioner, gives liberty to the present O.P. No. 1 to take appropriate step against the Principal of the College for the alleged fraud committed by him, if any.

9. The writ petition is disposed of with the aforesaid liberty.

Sneha



(Biraja Prasanna Satapathy)
Judge