

IN THE HIGH COURT OF ORISSA AT CUTTACK

WP(C) No. 13141 of 2022

Aurobindo Das

.... **Petitioner**
Mr. G. Mishra, Advocate

- Versus -

State of Odisha & Another.

.... **Opposite Parties**
Mr. N.K. Praharaj,
Addl. Govt. Advocate

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

01.08.2022

Order No.
03.

1. This matter is taken up through hybrid mode.
2. The petitioner has approached this Court seeking the following relief:

“Therefore, it is prayed that, the writ petition may be admitted, the records may be called for and after hearing the parties the same may be allowed;

BY directing the opposite parties to forthwith constitute the Governing Body of the Jagjivan Ram Law College in terms of the Govt. order under Annexure-5, so as to make the College functional;

AND

By granting any other relief(s) as found fit and proper in the facts and circumstances of the case;”

3. By order dated 03.04.2004 of the Government of Odisha, Department of Higher Education, approval accorded to the Governing Body of the college was revoked with instruction to reconstitute the Governing Body afresh strictly as per the bye law of the college and under Rules 23 and 24 of the Orissa Education (Establishment, Recognition and Management of Private College) Rules, 1991, read with Statute 238.
4. According to the petitioner, despite such order, the Governing Body has not yet been reconstituted. In the meantime, the petitioner

had approached this Court in W.P.(C) No. 10587 of 2003, which was disposed of vide order dated 10.03.2008 by passing the following order;

“xxx xxx xxx

5. *Be that as it may, facts remains, this Governing Body of the College was constituted on 30.09.2003 for a period of three years only. The said period is over since long. Therefore, without entering into the arena of controversy or without expressing any opinion with regard to the merits of the case, this Court disposes of the Writ Petition directing opposite party no.2 to constitute the new Governing Body of Jagjivan Ram Law College, Bhubaneswar, strictly in accordance with law as expeditiously as possible preferably within a period of three months from the date of communication of this order.*

5. It is submitted that despite such clear cut direction, the Governing Body has not yet been reconstituted, which according to learned State Counsel, is on account of the fact that the concerned file is untraceable.

6. This Court by order dated 30.06.2022 passed in the present case took note of the submissions made by learned counsel for the petitioner that the petitioner shall provide the documents if required to the authorities for reconstruction of the file so as to expedite the process of reconstitution of the Governing Body. In this regard the petitioner appears to have already approached the Regional Director, Higher Education by submitting a representation on 09.04.2021. Further, in view of the non-availability of the file, the Governing Body has not been able to be reconstituted.

7. In course of hearing, it is submitted by Mr. G. Mishra, learned counsel for the petitioner that the petitioner is in possession of all the relevant documents and records and that he is ready and willing to provide the same to the authorities basing on which the file can be reconstructed. Such being the case, the writ petition is disposed

of granting liberty to the petitioner to approach the opposite party no.2 within a period of two weeks from today and supply all the relevant documents and records. In such event, the opposite party no.2 shall take expeditious steps for reconstruction of the file and in any case, not later than three weeks from the date of submission of the documents. Further, if the file is able to be reconstructed, appropriate decision shall be taken with regard to the reconstitution of the Governing Body by the opposite party no.2 within a period of four weeks thereafter. It goes without saying that the Governing Body shall be reconstituted in accordance with law as also the provisions of the bye law of the institution.

8. The writ petition is disposed of accordingly.

9. Issue urgent certified copy as per rules.

(Sashikanta Mishra)
Judge

A.K. Rana

