

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 14865 of 2022

***Governing Body of Maa Bhagabati* *Petitioner*
Sanskrit Mohavidyalaya, Puri**

***Mr. Biplaba P.B. Bahali,*
Advocate**

-versus-

***State of Odisha and others* *Opposite Parties*
***Mr. Ramanath Acharya,*
S.C. for S.& M.E.****

**CORAM:
JUSTICE SASHIKANTA MISHRA**

**ORDER
25.07.2022**

Order No.

03. 1. This matter is taken up through hybrid arrangement (virtual/physical mode).
2. Heard learned counsel for the Petitioner and learned Standing Counsel for School and Mass Education Department.
3. Petitioner has approached this Court seeking the following relief:

“Under the aforesaid facts and circumstances of the case, this Hon’ble Court will be kind enough to admit the writ application, issue notice to the Opp. Parties and after hearing the parties,

- (i) Issue writ in the nature of certiorari or any other appropriate writ quashing the rejection order dated 03.09.2016 under Annexure-6 and so also the decision of the High Power Committee meeting held on 23.08.2016 under Annexure-7;
- (ii) Issue a writ in nature of mandamus or any other appropriate writ directing the Opp. Party No.1 to 3 to allow/grant permission/recognition of the increase of seats of Upashastri Course up to 128 in the petitioner’s institution within a stipulated period of time;

And pass any other order/orders as deemed fit and proper in the facts and circumstances of the case;

And for this act of kindness the petitioners as in duty bound shall ever pray.”

4. Petitioners’ prayer for enhancement of seats of Upashastri course from ‘64’ to ‘128’ was disallowed by the High Power Committee in its proceeding communicated vide letter dated 03.09.2016. Such rejection was on the basis of favourable recommendation made by Sri Jagannath Sanskrit University, Puri after due inspection. Further the decision of the High Power Committee to disallow the Petitioner’s request was taken without stating any reason whatsoever, which is contrary to the provision of Section 6(6) of the Orissa Education Act, 1969.

5. Challenging the said order, Petitioner approached this Court in W.P.(C) No.20022 of 2016, which was disposed of vide order dated 18.11.2016, directing the Commissioner-cum-Secretary to Government in the Higher Education Department to consider the representation submitted by the Petitioner on 29.10.2016 on its own merit and dispose of the same in accordance with law within ten days from the date of communication of the order. It is also directed that the Commissioner-cum-Secretary would be at liberty to have necessary consultation with the Committee, which has turned down the application of the Petitioner-Institution for increase of seats in taking a final decision thereon.

6. It is submitted that no decision has been taken as yet in the matter since decision in this regard has to be taken by the appropriate authority, i.e. the Committee constituted as per

Section 6(4) of the Orissa Education Act, 1969 and this Court has already issued necessary direction to consider the representation of the Petitioner-Institution. This Court deems it proper to dispose of the writ petition with a direction to the Opposite Party No.1 to take a decision in the matter in consultation with the Committee considering the recommendation made in its favour for enhancement of seats and grant of permanent recognition within a period of two months. It is open to the Petitioner to submit a fresh representation to the Opposite Party No.1 in this regard and in the event such representation is filed, Opposite Party No.1 shall take a decision as aforesaid, after granting an opportunity of hearing to the representation of the Petitioner-Institution.

7. With the above observation, the writ petition stands disposed of.

8. Issue urgent certified copy as per rules.

(Sashikanta Mishra)
Judge