

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 23958 of 2022

Sukanta Kumar Satapathy

.....

Petitioner

Mr. S.Mohanty. Advocate

Vs.

***The Vice-Chancellor,
Kalahandi University,
Bhawanipatana and others***

.....

Opposite Parties

Mr. A.K.Mishra, A.G.A.

CORAM:

DR. JUSTICE B.R. SARANGI

Mr. JUSTICE G. SATAPATHY

ORDER

16.09.2022

Order No.

01.

This matter is taken up through hybrid mode.

2. Heard Mr. S. Mohanty, learned counsel for the petitioner and Mr. A.K. Mishra, learned Addl. Government Advocate.

3. Non-execution of MoU for self-financing courses, pursuant to notice issued under Annexure-6 for Revised Timeline for e-Admission into U.G. Courses in Higher Education Institutions for the Academic year 2022-23, the petitioner has approached this Court by filing the present writ petition.

4. Mr. S. Mohanty, learned counsel for the petitioner contended that the State Government has formulated a policy to have self-financing course to be introduced in the U.G. courses in Higher Education Institutions for the Academic Year 2022-23. As such, the petitioner has entered into a Memorandum of Understanding with the Government

Autonomous College, Bhawanipatna on 10th February, 2012 to have this courses for a period of 12 years and the said period is still existing. Therefore, to carry out the object of the Government, the petitioner wants to execute the MoU with the Registrar, Kalahandi University. It is contended that though request was made vide Annexures-6 and 7, but the same were not acceded to and, therefore, the petitioner has approached this Court by filing the present writ petition.

5. Mr. A.K. Mishra, learned Addl. Government Advocate contended that if the Registrar, Kalahandi University, Bhawanipatna is not coming forward for execution of MoU with the petitioner, it cannot be compelled to issue direction from this Court to do the same. Rather, with agreement between the parties, the MoU has to be executed. Therefore, the claim made by the petitioner cannot be sustained in the eye of law.

6. Having heard learned counsel for the parties and after going through the records, this Court finds that since the Registrar, Kalahandi University, Bhawanipatna is not coming forward to execute the MoU, this Court cannot compel the said University for execution of the MoU to carry out the object of the Government for Revised Timeline for e-Admission into U.G. Courses in Higher Education Institutions for the Academic year 2022-23 by introducing self-financing courses. If the Registrar, Kalahandi University, Bhawanipatna frustrates the purpose of the Government to provide the self-financing courses, it is open to the petitioner to pursue its remedy before the Government

in accordance with law and, as such, this Court is not inclined to issue any direction to that extent. However, liberty is granted to the petitioner to approach the Government for sorting out the problem in accordance with law.

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

Issue urgent certified copy as per rules.

(DR. B.R. SARANGI)
JUDGE

(G. SATAPATHY)
JUDGE

Ashok/Kishore

