

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P(C). No.32738 of 2021

NIST, Rourkela

Petitioner

....
Mr. Sambit Kar, Advocate and
Mr. S. Satapathy, Advocate

The State of Odisha & Others

Opposite Parties

Mr. Jasobanta Dash, Sr. Advocate
and Mr. Rajjeet Roy, Advocate

CORAM:
JUSTICE JASWANT SINGH
JUSTICE M.S. RAMAN

ORDER
09.05.2022

Order No.

- 07.**
- 1.** This matter is taken up by virtual/physical mode.
 - 2.** On 18th October, 2021, NIST, Rourkela approached this Court by way of filing writ petition and prayed for a direction to the State Govt. (Department of Skill Development and Technical Education) and Odisha Joint Entrance Examination Committee for inclusion of name of Institution in the OJEE-2021 web-counseling. The Petitioner has sought for such inclusion as per sanctioned intake of students/seats in various engineering technical courses for the academic year 2021-22 in terms of the extension of the

approval dated 1st July, 2021 (Annexure-3) granted by All India Council for Technical Education (for short, “ the AICTE”).

3. On 1st November, 2021 during course of hearing, counsel for the Petitioner-Institute submitted that the provision regulating the change of name of existing institution is Clause 2.19.1 of Approval Process Hand Book 2021-22 issued by AICTE. No doubt, in terms of the provision of the said Clause, prior NOC from the affiliating University i.e. Opposite Party No. 4-Biju Patnaik University of Technology was required. However, if the same is not received within stipulated time, the AICTE was free to proceed for grant of approval of change of name with the sanction of the intake of students in various courses.

It is revealed that the Petitioner-Institute has made application dated 21st July, 2021 (Annexure-5) to the University for grant of affiliation under the new name ‘NIST, Rourkela’ (erstwhile “Padmanava College of Engineering”) which was required to be decided by the extended time of 10th October, 2021, which the University failed to do so. This Court recording the submission of counsel in its order dated 1st November, 2021 observed that there was no laxity on the part of the Petitioner-College in adhering the time lines and the approval granted by the AICTE in technical education cannot be negated by hyper-technicalities raised by the State or the University.

This Court passed the following interim order on the said date:-

“xxx xxx xxx xxx

9. In view of the aforesaid, at this stage, we deem it appropriate to direct the OJEE/ O.P. No.3 to include the name of the petitioner-institute in ongoing counseling and to upload the sanction intake of seats as per the approval dated 1st July, 2021 granted by AICTE in the seat matrix of the OJEE-2021 counselling schedule for admission into the B.Tech (Engineering)/L.E. (Lateral Entry) Engineering courses for the current academic Sessions 2021-22 under the name of NIST, Rourkela (erstwhile Padmanava College of Engineering) subject to the decision of the writ petition.

10. The OJEE/O.P. and opposite party No.3 will ensure that their portal is kept open for permitting the admission to the petitioner-institute in terms of approval by the AICTE dated 1st July, 2021 (Annexure-3), by extending period of functioning of the portal up to 5th November, 2021.

xxx xxx xxx”

4. After the matter stood adjourned for couple of dates, on the resumed hearing today, a memo-cum-affidavit dated 9th May, 2022 has come to be filed. By way of affidavit, Prof. Sangram Mudali, Governing Body Member of NIST, Rourkela affirmed that consequent upon allotment of registration number to the students by the Biju Patnaik University of Technology (Opposite Party No.4, the Petitioner-Institute has no further grievance against the

Opposite Parties and hence, sought for permission to withdraw the writ petition.

5. Accordingly, the writ petition is dismissed as withdrawn.

Issue urgent certified copy as per rules.

(Jaswant Singh)
Judge

(M.S. Raman)
Judge

Aks

May 9, 2022 Cuttack

