

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.33331 of 2022

*Seemanta Institution of
Pharmaceutical Science,
Mayurbhanj*

.....

Petitioner

Mr. D. Mohapatra, Advocate

Vs.

State of Odisha & Ors.

.....

Opposite Parties

Mr. S. Nayak, ASC

CORAM:

DR. JUSTICE B.R. SARANGI

MR. JUSTICE B.P. SATAPATHY

ORDER

19.12.2022

Order No.

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This matter is taken up through Hybrid mode.

2. Heard Mr. D. Mohapatra, learned counsel appearing for the petitioner and Mr. S. Nayak, learned Additional Standing Counsel appearing for the opposite-opposite parties.

3. The petitioner has filed this writ petition seeking to quash the letter issued by opposite party no.2 requiring submission of Fire Safety Certificate so as to consider the renewal of NOC for Pharmacy Course in respect of the petitioner-institution for the academic session 2022-23.

4. Mr. D. Mohapatra, learned counsel appearing for the petitioner contended that although the petitioner is in the process of getting the Fire Safety Certificate, but showing some

deficiency opposite party no.2 has not renewed the NOC for the session 2022-23 for conducting D. Pharma, B. Pharma and M. Pharma Course. It is further contended that, if the NOC is not granted in favour of the petitioner-institution, the students will lose one year.

5. Mr. S. Nayak, learned Additional Standing Counsel appearing for the opposite-opposite parties contended that since the petitioner has to furnish the Fire Safety Certificate for obtaining NOC for the session 2022-23 for conducting D. Pharma, B. Pharma and M. Pharma Course and the same having not been furnished, question of NOC does not arise. Therefore, the claim made by the petitioner for providing NOC cannot be granted.

6. Considering the contentions raised by learned counsel for the parties and after going through the records, this Court finds that the case of the petitioner is that it is in the process of getting the Fire Safety Certificate and it being an old institution, is entitled to get necessary permission for renewal of NOC for conducting D. Pharma, B. Pharma and M. Pharma Course for the session 2022-23, and it also undertook to do the same within a stipulated period. Be that as it may, this Court is of the considered view that if the condition requires the petitioner to furnish the Fire Safety Certificate, if the same is not furnished, NOC for the session 2022-23 for conducting D. Pharma, B. Pharma and M. Pharma Course cannot be renewed. Therefore, this Court is not inclined to entertain this writ petition.

7. However, in course of hearing, learned counsel appearing for the petitioner submitted that the petitioner may be permitted

to pursue its remedy before the appropriate forum. In view of such submission, the writ petition stands disposed of granting liberty as aforesaid.

8. Issue urgent certified copy as per rules.

(DR. B.R. SARANGI)
JUDGE

Alok

(B. P. SATAPATHY)
JUDGE

