

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.34696 of 2022

Utkal Bharati Foundation Trust, Petitioner
Jeypore

Mr. T.K. Sahu, Advocate

-versus-

State of Odisha and others Opposite Parties
Mr. T.K. Pattnaik, ASC
Mr. R.C. Pattnaik,
Standing Counsel appearing for the
S&M.E. Deptt.

CORAM:
JUSTICE A.K. MOHAPATRA

ORDER
22.12.2022

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner as well as learned Standing Counsel appearing for the School & Mass Education Department. Perused the writ petition as well as the documents annexed thereto.
3. The present writ petition has been filed by the Petitioner with the following prayers:-

“Therefore, it is humbly prayed that this Hon’ble Court may graciously be pleased to

- i. Admit this writ petition;*
- ii. Issue notice to the Opp. Parties;*
- iii. Issue appropriate writ/writs, direction/directions directing the Opp. Party No.4 to issue NOC to the school of the Petitioner, i.e., Vigyan International School as per representation dated 08.11.2022*

under Annexure-8.

- iv. And/or pass such other order/orders direction/directions which shall be deemed fit and proper by this Hon'ble Court."*

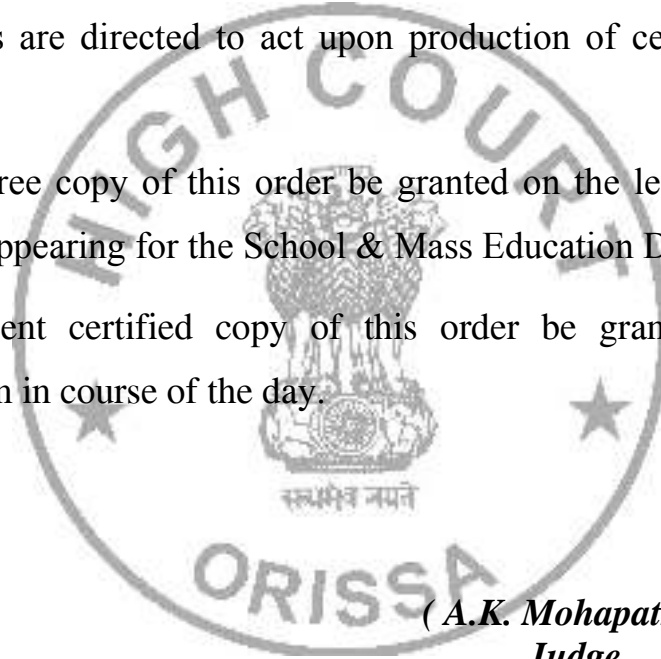
4. It is submitted by learned counsel for the Petitioner that the Petitioner-School applied for No Objection Certificate from the Government and pursuant to his application, an inquiry was conducted by the Opposite Party No.3-The District Education Officer, Koraput and, accordingly, vide his letter dated 19.11.2022, the Opposite Party No.3 under Annexure-6 has recommended to accord N.O.C. in favour of the Petitioner-School and the recommendation under Annexure-6 by the Opposite Party No.3 is also countersigned by the Deputy Collector (Nizarat), Collectorate, Koraput. It is also submitted that the same is pending before the Opposite Party No.1 to take a final decision in the matter. It is further submitted that the last date for granting approval by the CBSE Board is 30th December, 2022. Therefore, he submits that necessary direction be issued to the Opposite Party No.1 to consider the matter expeditiously and grant N.O.C. as soon as possible.

5. Learned Standing Counsel appearing for the School & Mass Education Department, on the other hand, submits that the Opposite Party No.3-the District Education Officer, Koraput has already conducted the inquiry and he has already recommended and the matter is pending at the Government level for taking a final decision in the matter. Therefore, a direction may be given to the Opposite Party No.1 to consider the matter expeditiously and do the needful in accordance with law.

6. Considering such submission and with the consent of the

learned counsel for the parties, this Court disposes of the writ petition by directing the Opposite Party No.1 to take a final decision on the recommendation made by the Opposite Party No.3-the District Education Officer, Koraput vide his letter dated 19.11.2022 under Annexure-6 as expeditiously as possible, preferably within a period of 10 days from today. However, considering the urgency of the matter that 30th December, 2022 is the last date for submission of N.O.C. to get approval from CBSE, this Court expects that the Opposite Party No.1 shall do well to consider the matter with all promptitude and grant NOC before 30th December, 2022. The authorities are directed to act upon production of certified copy of this order.

7. A free copy of this order be granted on the learned Standing Counsel appearing for the School & Mass Education Department.
8. Urgent certified copy of this order be granted on proper application in course of the day.



(**A.K. Mohapatra**)
Judge