
(2011) 08 OHC CK 0008
In the Orissa High Court
Case No : Writ Petition (C) No. 19285 of 2011

Asutosh Sahoo

APPELLANT

Vs

Registrar, Utkal University and Others

RESPONDENT

Date of Decision : 09-08-2011

Acts Referred:

Citation : (2011) 2 ILR (Ori) 169

Hon'ble Judges : S.C. Parija, J

Bench : Single Bench

Judgement

S.C. Parija, J.—These writ petitions have been filed by the students aspiring to take admission in Five Year Integrated B.A.LLB.(Hons.) Course in the two constituent colleges of Utkal University, i.e., Madhusudan Law College, Cuttack, and the University Law College, Vani Vihar, Bhubaneswar, alleging that they have been illegally debarred by the Principal, M.S. Law College, Cuttack, from participating in the counselling held on 16.07.2011 and thereby depriving them of their legal right to take admission in the said course.

2. The brief facts common to all the writ petitions are that pursuant to the admission notice dated 06.01.2011, issued by the Utkal University, inviting applications for admission to Five Year Integrated B.A.LLB. (Hons.) Course in its two constituent colleges, i.e., M.S. Law College, Cuttack and University Law College, Vani Vihar, Bhubaneswar, the petitioners had applied for the same and appeared in the common entrance test held on 5.7.2011 and had secured high ranks in the merit list published by the University. Accordingly, the petitioners were issued with intimation letter by the respective Colleges, intimating them their rank in the merit list drawn up pursuant to the common entrance test conducted by the University and asking them to report to the counselling center at MS. Law College, Cuttack, on 16.7.2011 by 10.30 A.M.

ASUTOSH SAHOO V. REGISTRAR, UTKAL UNIVERSITY and that the counselling will commence from 11 A.M. onwards. Pursuant to such intimation, some of the petitioners reached the counselling center at M.S. Law College, Cuttack between

10.30 A.M. to 11 A.M., but they were not allowed to enter the premises and participate in the counselling, inspite of the fact that the counselling was to commence from 11 A.M. onwards. It is alleged that though almost ail the petitioners have secured very high ranks in the merit list and have reported at the counselling center much prior to the commencement of the counselling, which was scheduled from 11 A.M. onwards, they were illegally debarred from participating in the counselling on the plea that they have not reported to the counselling center in time and thereby students with much lower rank in the merit list have been given admission.

3. Learned Counsel appearing for the two Colleges with reference to the counter affidavit filed submits that Utkal University is imparting Five Year Integrated B.A.LL.B. (Hons.) Course at its two constituent colleges, i.e., M.S. Law College, Cuttack and University Law College, Vani Vihar, Bhubaneswar.

4. The University issued an advertisement for conducting entrance test in the said course for the academic session 2011-12, for selection of candidates for admission on the basis of their career-cum-entrance test Basing on the entrance test and career evaluation, a merit list of candidates was prepared and thereafter intimations were issued to the candidates stating their rank in the merit list and informing them that the counselling for admission will be held on 16.7.2011 from 11 A.M. onwards at M.S. Law College, Cuttack, and the concerned students were required to report at the counselling center positively by 10.30 A.M. In this regard, reference has been made to Clause 8.3 of the prospectus issued to the aspiring students at the time of issuance of form, which specifically provided the date, time and place of counselling.

5. It is the case of the Principal, M.S. Law College, Cuttack, that as the petitioners did not report at the counselling center by 11 A.M. on 16.7.2011, they were not allowed to participate in the counselling and that the gates were closed at 11 A.M. for smooth conducting of counselling. It is stated that as the petitioners were not present at the counselling, candidates next in the merit list were given admission.

6. Learned Counsel appearing for the Bar Council of India on instruction submits that M.S. Law College, Cuttack, has been granted approval for imparting Five Years Integrated B.A.LL.B. (Hons.) Course with intake of one section of 60 students. Similarly, the University Law College, Vani Vihar, Bhubaneswar, has been granted approval with intake of 50 students and therefore it is not understood as to why the authorities of M.S.Law College, Cuttack, have offered only 50 seats to the students as per the prospectus

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issued by the Utkal University. It is accordingly submitted by the Learned Counsel for the Bar Council of India that there is no impediment for M.S. Law College, Cuttack, to admit 60 students for its Five Years Integrated B.A.LL.B (Hons.) Course.

7. Learned Counsel appearing for the intervenors while adopting the stand taken by the Learned Counsel appearing for the Principal, M.S. Law College, Cuttack, have reiterated that as the petitioners did not report to the counselling centre by 11 A.M. as had been specified both in the prospectus as well as in the intimation letter, the authorities rightly debarred them from participating in the counselling and those students who were present at the counselling by 11 A.M., were allowed to participate in the counselling and admission was given to the students present at the counselling on the basis of their rank in the merit list prepared by the University.

8. Counselling is a procedure being adopted by several States for regulating admission to technical courses like Engineering and Medical and professional courses like MBA and MCA, where a common entrance test is conducted for all aspiring students, in respect of various courses/streams available in different colleges in a State. Hence, counselling procedure is generally adopted where admissions to various technical and professional courses, consisting of several disciplines, which are available in different institutions/colleges are given on the basis of the rank obtained by the candidates in the common entrance test.

9. In the instant case as the admission was only in respect of Five Year Integrated B.A.LL.B.(Hons.) Course which is confined to only two constituent Colleges of the Utkal University, i.e., M.S. Law College, Cuttack, and University Law College, Vani Vihar, Bhubaneswar, with each having an intake seat capacity of only 50 students, there was no justification for the authorities to adopt the procedure of counseling for giving admission to the eligible students. Undoubtedly, most of the petitioners have secured high ranks in the merit list and depriving them of their right to take admission in the Five Year Integrated B.A.LL.B.(Hons.) Course solely on the ground that some of them reported late to the counselling centre was not proper and justified. In order to avoid such exigencies in future, let the University and the College authorities formulate a procedure for admission of students in the Five Year Integrated B.A.LL.B.(Hons.) Course for the next academic session to ensure that meritorious students are not left out.

10. Pursuant to direction of this Court, Learned Counsel appearing for the Utkal University has produced a letter of the Registrar, Utkal University,

ASUTOSH SAHOO V. REGISTRAR, UTKAL UNIVERSITY which shows that the University authorities are ready and willing to approve the enhanced 10 seats in M.S. Law College, Cuttack, which has wrongly been left out, on receiving proposal from the College and that there would be no impediment for admitting students against the said enhanced 10 seats. It is also intimated by the Learned Counsel that pursuant to interim orders of this Court passed in some of the writ petitions, there are some seats lying vacant in the two Colleges.

11. As the Bar Council of India has granted approval of affiliation to M.S. Law College, Cuttack, for imparting Five Year LLB.(Hons.) course with intake of one

section of 60 students for the academic sessions 2009-10 to 2010-11, which has now been extended for the academic session 2011-12, the Principal, M.S. Law College, Cuttack, is directed to submit proposal to the Utkal University for approving the enhancement of seats from 50 to 60 and the University authorities are directed to take urgent steps for approval of the said proposal for enhancement of the seats as expeditiously as possible, so as to enable the College to fill up the same.

12. In view of the discussions made above and keeping in view the fact that all the petitioners have secure high ranks in the merit list and have been debarred from participating in the counselling only due to their late reporting at the counselling centre, the authorities are directed to fill up the vacant seats, including the enhanced 10 seats in M.S.Law College, Cuttack, from amongst the petitioners and other left-out candidates, including the present interveners, who have already been issued with intimation letter, on the basis of their rank in the merit list and complete the admission process as expeditiously as possible.

13. Writ Petitions are accordingly disposed of.