
(2021) 10 OHC CK 0054

In the Orissa High Court

Case No : Writ Petition (Civil) No. 6098 Of 2019

Durga Prasad Singh

APPELLANT

Vs

State Of Odisha & Others

RESPONDENT

Date of Decision : 25-10-2021

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2021) 10 OHC CK 0054

Hon'ble Judges : Jaswant Singh, J;S. K. Panigrahi, J

Bench : Division Bench

Advocate : Bibekananda Nayak, P.P. Mohanty

Judgement

1. This matter is taken up through Hybrid Mode.
2. Heard learned counsel for the petitioner.
3. The petitioner took admission in Uma Charan Pattnaik Engineering School, Berhampur under opposite party No.4 in Diploma, Chemical Branch in the year 2007. The Diploma comprised six Semesters(three years), which could be completed within maximum period of seven years from the year of registration.
4. The grievance raised by the petitioner is that he had attended the classes for the 5th Semester in the Sessions 2009-10, however, he was not permitted to fill up the form for the said Semester due to shortage of attendance. Resultantly, the petitioner could not complete his Diploma Course.
5. The petitioner had approached this Court for the first time in W.P.(C) No.18504 of 2016 under Article 226 of the Constitution of India. The said Writ Petition was disposed of with a direction to the opposite party No.4-The Principal, Uma Charan Pattnaik Engineering School, Ganjam to pass a speaking order. Thereafter, another Writ Petition was filed by the Petitioner and disposed of with more or less the same direction. Consequently, a speaking order dated 8th February, 2019 has passed by the opposite party No.4 whereby the claim of the

petitioner has been declined. Learned counsel for the petitioner contends that the petitioner had attended the required percentage of attendance. Thus, prays for a direction to allow the petitioner to complete the 5th & 6th Semesters by conducting a special examination.

6. After hearing learned counsel for the petitioner, we find no merit in the Writ Petition. The factual aspect has been duly considered by the opposite party No.4 in the light of the Statutory Provisions/Rules in the speaking order dated 8th

7. That apart, the Diploma Course was required to be completed by the petitioner by the Sessions ending 2014 during which period he did not take re-admission in the 5th Semester in the year 2010-11, in spite of notice issued for the purpose. For ready reference, the relevant portion of the speaking order dated 8th February, 2019 passed by opposite party no.4 is quoted hereunder:

"And whereas the Petitioner, Sri Durga Prasad Singh took admission in the year, 2007 in the Diploma Course of chemical Engineering branch and thereafter in due course promoted to 5th Semester in the year, 2009-10 and subsequently not allowed to fill up the form for appearing the 5th semester examination due to shortage of attendance as per State Council for Technical Education & Vocation Training (SCTE & VT), Orissa Examination rules (5/4.5). A notice was issued vide this Office Notice NO.201/Exam. Dtd.30.6.2010 for re-admission of 3rd & 5th Semester students of all branches including the Petitioner Sri Durga Prasad Singh, 5th semester Chemical Engg. Branch during the academic session, 2010-11 as per SCTE & VT, Odisha Rule (11.3). But Sri Durga Prasad Singh did not take re-admission in the academic session, 2010-11 nor he applied for re-admission within 7 years i.e. up to the academic session, 2013-14 as per S.C.T.E & V.T, Orissa Examination Rules (13.1)

And whereas a candidate admitted is required to pass 6 semesters examination of the Diploma Course within a period of 7 years from the year of registration with state council as per S.C.T E & V.T, Orissa Rules (13.1). As Sri Durga Prasad Singh took admission in the year, 2007 and registered in State Council in 2007, As such he is supposed to pass the all 6 semesters diploma course in the academic session 2013-14. Since the petitioner Sri Durga Prasad Singh did not secured require percentage of attendance for appearing 5th Semester examination, nor took re-admission in 5th semester during the session, 2010-11 in spite of the Notice issued for the purpose, and also not applied for re-admission in 5th semester in the subsequent year so as to enable him to pass 6 semesters within 7(seven) years i.e. latest by academic session 2013-14 as per Rules contained in S.C.T.E & V.T, Orissa Examination Rules which was mandatory for all Diploma students."

8. In view of the above, the Writ Petition is dismissed.

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