
(2023) 05 OHC CK 0022

In the Orissa High Court

Case No : Writ Petition (C) No. 9973 Of 2023

Sandeep Kumar Nayak

APPELLANT

Vs

State Of Odisha & Ors

RESPONDENT

Date of Decision : 01-05-2023

Acts Referred:

Citation : (2023) 05 OHC CK 0022

Hon'ble Judges : Dr. B.R. Sarangi, J;M.S.Raman, J

Bench : Division Bench

Advocate : A.K. Sahoo, S. Nayak

Final Decision : Dismissed

Judgement

1. This matter is taken up through hybrid mode.
2. Heard Mr. A.K. Sahoo, learned counsel appearing for the petitioner and Mr. S. Nayak, learned Additional Standing Counsel appearing for the State-opposite parties.
3. The petitioner has filed this writ petition seeking to quash the order dated 08.03.2022 under Annexure-8, by which the Registrar, BPUT, Rourkela by order of the Vice-Chancellor, has rejected the representation of the petitioner, and further to issue direction to the opposite parties to allow the petitioner to appear in the examination to clear his back papers in I.C. Engines and Gas Turbines and Automobile Engineering (5th Semester) subjects within a stipulated period.
4. Mr. A.K. Sahoo, learned counsel appearing for the petitioner contended that the petitioner, who is a student of Mechanical Engineering Branch of C.V. Raman College of Engineering, consequent upon the order dated 03.01.2022 passed by this Court in W.P.(C) No.30037 of 2021 wherein direction was given to opposite party no.3 to consider the representation and dispose of the same by passing a reasoned and speaking order in terms of the order dated 01.02.2021 passed in W.P.(C) No.22344 of 2020 (Subhransu Mishra v. State of Odisha), filed a

representation dated 10.01.2022 before the Vice-Chancellor, BPUT, Rourkela, but the same having been rejected vide order dated 08.03.2022 under Annexure-8, the petitioner has approached this Court by means of this writ petition.

5. Considering the contentions raised by learned counsel for the petitioner and after going through the records, this Court finds that the duration of Bachelor of Technology Course, in which the petitioner had taken admission is of four years and the Academic Regulations of the University vide Clause-1.3 prescribes that a weaker student can complete the four years programmes in not more than seven years. But, the University has already given concession of extra three years, i.e., seven years to the petitioner to complete the programme. It is further seen that the petitioner has neither registered nor appeared in his two back papers examination during regular studies of four years i.e. 2013-14 to 2016-17 nor during the next three years of concession given by the University and the University also neither found any reason for his non-registration in the examination. The petitioner could have appeared these two back papers i.e. IC Engine and Gas Turbine and Automobile Engineering of 5th Semester in 6 numbers of chances with his lower batch students to clear those papers, but he did not avail these chances due to his carelessness. Therefore, allowing students to appear in the examination after its tenure is over will further create indiscipline among the students and shall lead to chaos and indiscipline in the examination system of the University. Even though opportunity was given to the petitioner to clear the back papers, he did not avail the same. As such, the case of the petitioner is not similar to the petitioner in Subhransu Mishra (supra). Therefore, this Court does not find any illegality or irregularity in the order dated 08.03.2022 under Annexure-8 passed by the Registrar, BPUT, Rourkela by order of the Vice-Chancellor so as to cause interference of this Court.

6. Accordingly, the writ petition merits no consideration and the same is dismissed.

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