

ITEM NO.12 Court 4 (Video Conferencing) SECTION X

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Writ Petition(s)(Civil) No(s).1347/2021

ORISSA PRIVATE ENGINEERING COLLEGE
ASSOCIATION (OPECA)

Petitioner(s)

VERSUS

THE STATE OF ODISHA & ORS.

Respondent(s)

(FOR ADMISSION)

Date : 17-12-2021 This petition was called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MR. JUSTICE A.S. BOPANNA

For Petitioner(s) Mr. Siddhartha Dave, Sr. Adv.
Mr. Shubhranshu Padhi, AOR
Mr. Ashish Yadav, Adv.
Mr. Rakshit Jain, Adv.
Mr. Vishal Banshal, Adv.

For Respondent(s) Mr. Shibashish Mishra, Adv.

UPON hearing the counsel the Court made the following
O R D E R

- 1 Originally, by an order dated 25 October 2021, a Bench of this Court had granted an extension of time for completion of admissions to the engineering degree courses until 30 November 2021.
- 2 On 16 December 2021, a three-Judge Bench of this Court has granted an extension of time on an application filed by the Orissa Private Engineering Colleges Association until 31 December 2021. The relevant part of the order is extracted below:

“Orissa Private Engineering Colleges Association has filed this I.A for extension of last date for admission in the 1st year engineering course from 30th November, 2021 to 31st

December, 2021. In an application filed by AICTE, this Court approved the revised calendar on 25.10.2021. According to the revised calendar, last date for admission to the 1st year engineering colleges for the academic year 2021-2022 was 30.11.2021 on which date, the courses were also to commence.

It has been stated in the application that a large number of seats are vacant in the Private Engineering Colleges in view of several students not attending the OJEE due to the pandemic. Mr. Sidhartha Dave, learned senior counsel referred to an order passed by the High Court of Orissa from which it is clear that the State of Odisha does not have any objection.

In the peculiar facts and circumstances of this case and taking into account the disability of the students in being unable to take the OJEE, we extend the last date for admission to engineering courses in the State of Odisha till 31st December, 2021.

Miscellaneous application stands disposed of.”

- 3 The relief which has been sought in these proceedings under Article 32 of the Constitution is a direction to the State of Odisha and the Examination Committee to conduct a second JEE for B Tech admissions for 2021-22.
- 4 Mr Siddhartha Dave, senior counsel appearing on behalf of the petitioners, submits that the petitioners were pursuing their remedies for an extension of time and had, in fact, moved the High Court and an extension has also been granted by the three-Judge Bench, as noted above. Hence, it has been submitted that it would be appropriate to direct that a further JEE be conducted so that a large number of seats which are vacant can be filled up.
- 5 Mr Shibashish Mishra, counsel appearing on behalf of the State of Odisha, submits that the time having been extended on 16 December 2021 until 31 December 2021 (the State of Odisha, it is clarified, was not a party to those proceedings), it is physically impossible for the State and the Examination Committee to conduct a JEE within a fortnight, which is left, until the extended

deadline expires. It has been submitted that, at the least, a period of one month would be required for ensuring online registrations, conducting a computer test and for the declaration of the results.

- 6 Since the extended cut-off would expire on 31 December 2021 and the State has expressed a genuine and reasonable difficulty that it would be impossible to conclude the process before 31 December 2021, we are not inclined to accede to the prayer for directing the State to hold another round of entrance examinations in the form of a JEE. It has also been submitted before this Court by Mr Shibashish Mishra that, as a matter of fact, as many as four JEEs have already been held due to the pandemic in order to grant a sufficient opportunity to the students.
- 7 In the circumstances and for the reasons indicated above, we are not inclined to entertain the petition. The petition is accordingly dismissed.
- 8 Pending application, if any, stands disposed of.

(SANJAY KUMAR-I)
AR-CUM-PS

(SAROJ KUMARI GAUR)
COURT MASTER