



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P. (C) No.19441 of 2025

Trident Academy of Technology, ***Petitioner***
Bhubaneswar

Represented By Adv. –
Mr. D.P. Dash, Advocate

-versus-

State of Odisha and others ***Opposite Parties***

Represented By Adv. –
Mr. Satyabrata Mohanty, AGA for O.P.1
Mr. A. Mishra, Advocate for O.P.2-OJEE
Mr. T.K. Satapathy, Advocate
(for O.P.4-BPUT)
Mr. B. Jena, Advocate for O.P.5-AICTE

W.P. (C) No.18294 of 2025

Nalanda Institute of Technology, ***Petitioner***
Bhubaneswar

Represented By Adv. –
Mr. D.P. Dash, Advocate

-versus-

State of Odisha and others ***Opposite Parties***

Represented By Adv. –
Mr. Satyabrata Mohanty, AGA for O.P.1
Mr. A. Mishra, Advocate for O.P.2-OJEE
Mr. T.K. Satapathy, Advocate
(for O.P.4-BPUT)
Mr. B. Jena, Advocate for O.P.5-AICTE



CORAM:

JUSTICE DIXIT KRISHNA SHRIPAD

JUSTICE MRUGANKA SEKHAR SAHOO

ORDER

22.07.2025

Order No.
02.

1. After service of notice the opposite party-University is represented by panel counsel Mr. Satapathy and AICTE is represented by panel counsel Mr. Jena and the Government is represented by learned Additional Government Advocate, Mr. Mohanty. The pleadings in the matter are also largely complete, contesting opposite parties having filed their counter.
2. The short question that arises for consideration in this case is whether once the AICTE accords approval under the provisions of the AICTE Act and the AICTE Rules/Regulations that are together called are put in a handbook of procedure, whether there is a role of Government for granting approval/NOC; whether University is bound to accord affiliation regardless of prescription in the said handbook.
3. Learned counsel appearing for the institution draws our attention to a Coordinate Bench decision in W.P.(C) No.27040 of 2023(**Gandhi Institute of Technology and Management, Bhubaneswar v. State of Odisha & others**) disposed of on 11.09.2023 and learned Single Bench decision in W.P.(C) No.13272 of 2010 (**Silicon Institute of Technology v. State of Odisha & others**) to contend that the University or Government cannot sit in appeal over the AICTE and therefore once AICTE



accords approval, matter attains finality and affiliation has to be accorded.

4. Learned panel advocates appearing for the University, AICTE & OJEE, submit that if that contention is accepted virtually that would jettison the statutory scheme evolved under the three legislations namely AICTE Act, State Universities Act and UGC Act. The question requires a deeper examination is obvious. However, the last date for counseling & admission is fast approaching and therefore we propose the following via media to expedite the process so that neither the institution nor the students nor the regulatory authorities are put to any prejudice.

5. By way of interim arrangement, we propose that the fresh statutory process for the purpose of according affiliation at the hands of the University shall be undertaken and accomplished with the participation of all stakeholders including AICTE within 3(three) days keeping the impugned order at a bay, which will be examined if at all needed, in due course. We are aware that the period we are fixing is bit short but it is inevitable because of the timelines prescribed by the Apex Court for accomplishing the counseling process for admission to the courses in question. We have also noted the submission of panel counsel appearing for the AICTE that his client will have some difficulty in nominating its expert. However, it is not that great difficulty since list of experts is readily available with the AICTE and that apart experts can be chosen from IIT, Bhubaneswar or NIT, Rourkela if need be. We are not expressing any imperative opinion in this regard. But our



concern that the process should be accomplished within 3(three) days has to be shown due deference by all the concerned.

6. In the meanwhile, the second round counseling process at the hands of OJEE scheduled to be commenced from 24.07.2025 shall stand deferred to 28.07.2025.

7. It hardly needs to be stated that all statutory deposits and compliance shall be deposited by the petitioner. It shall be open for the authorities, after inspection, to take appropriate decision based on the finding in the report irrespective of pendency of the matter.

Call this matter for further consideration and compliance on 25.07.2025 marked at 2.00 P.M.

A carbon copy of this order shall be made available to all the learned advocates.

(Dixit Krishna Shripad)
Judge

(Mruganka Sekhar Sahoo)
Judge

Radha/Jyostna

Signature Not Verified

Digitally Signed
Signed by: RADHARANI JENA
Reason: Authentication
Location: OHC
Date: 22-Jul-2025 14:51:11

