IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.34426 of 2026
CNR No. ODHC010797402026

(*An application under Articles 226 & 227 of the Constitution of India*)

Janakalyan College of Nursing, District-Kendrapara representing through its Chairman, Vaisnav Charan Sahoo	....	***Petitioner***
	-versus-	
State of Odisha & Ors.	....	***Opp.Parties***

Advocate(s) appeared in this case:-

For Petitioner	:	Mr. M.K. Khuntia, Advocate
For Opp.Parties	:	Mr. S.K. Jee, AGA Mr. R.C.Mohanty, Advocate (for O.P.2 and 3)

CORAM:
SHRI JUSTICE B. P. ROUTRAY
MISS JUSTICE SAVITRI RATHO

JUDGMENT
16th October 2026

B.P. Routray, J.

1. Heard Mr. Khuntia, learned counsel for the Petitioner, Mr. Jee, learned AGA for the State-Opposite Party 1 and Mr. Mohanty, learned counsel for Opposite Parties 2 and 3.

2. Considering the urgency of the matter, the same is taken up for final disposal at the stage of admission on the request of all parties.

3. The Petitioner– Institution is imparting B.Sc. Nursing course and it has approached this Court for a direction to Opposite Parties 2 and 3 for grant of renewal of No Objection Certification (NOC) for conducting the B.Sc. Nursing course for the current academic year in accordance with the prevailing statutes/ rules.

4. The background facts remain that the Petitioner– Institution was earlier granted renewal of NOC for conducting such course in previous academic years. But for the present academic year, the Petitioner– Institution could not apply for renewal of NOC due to some difficulty on his part. Earlier the last date for admission to B.Sc. Nursing course was fixed to 30th September 2026 and thereafter, it has been extended to 31st October 2026. In the meantime, some similarly situated institutions, who could not apply for renewal of NOC in due time, approached this Court in W.P.(C) No.7990 of 2026 and batch. This Court vide order dated

13th August 2026 permitted those institutions to make application for renewal of NOC with payment of extra amount of Rs.50,000/- over and above the required fees. This Court had fixed timeline up to 24th August 2026 for making the application by those institutions as the last date. The relevant portion of the direction of this Court dated 13th August 2026 is reproduced below:-

> 8. We make this order as a one-time measure. Accepting the submission of Mr. Mohanty, learned counsel appearing for the DMET, that other institutions similarly situated may not take advantage of this order to approach the Court and seek a similar order as fence-sitters, we made it clear that hereafter, no further extension of time to apply for renewal/grant of NOCs shall be granted on the ground of equitable considerations.
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> 10. We reiterate and highlight that this order is passed in the context and facts of the present batch of cases, taking into account the interest of students who are seeking admission and the fact that the admission process is continuing till 30th September, 2026. In any event, since we are not deciding the matter on merits and on the question of law, this order shall not have any precedential value.
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> 11. The Petitioners are directed to apply to the authority(ies) by 24th August, 2026, peremptorily, failing which no further extension shall be granted in any manner

whatsoever. The authorities shall act upon production of the website copy of this order. The Petitioners-Institutions are also directed to file the hard copy along with scanned/soft copies of all the documents before the authority(ies) by the said date, along with the requisite fees/fine and extra amount, as directed above, in the form and manner (e.g. Demand Draft, IMPS, RTGS, NEFT, etc.) that is usually accepted by the authority(ies).

5. It is submitted on behalf of the Petitioner that since the date of admission into B.Sc. Nursing course has been now extended up to 31st October 2026, an extended opportunity may be granted to the Petitioner as a last chance to make his application for renewal of the NOC, in the light of the direction of this Court passed in earlier writ petitions.

6. Mr. Mohanty, learned counsel appearing for Opposite Parties 2 and 3 submits on the contrary that the direction of this Court dated 13th August 2026 in earlier writ petitions was issued as a onetime measure without the effect of precedence. He further submits that if, at this stage present Petitioner is permitted to apply for renewal of NOC, other similarly placed institutions may also come for similar reliefs.

7. It needs to be stated here that, an order passed by this Court in similar matters cannot be ignored for issuance of similar directions on the ground of parity. The Hon'ble Apex Court in ***State of Odisha vs. Priyambada Pattanaik***, SLP No.10598 of 2024, decided on 9th September 2024, have stated that, *"Although in the aforesaid order, it is stated that this order passed is in the peculiar facts and circumstances, however, it shall not be treated as a precedent, but since we find the same set of facts and circumstances arising out of the same State, the Special Leave Petition is disposed of in the same terms and conditions."*

It is true that present Petitioner did not approach this Court in time as the other institutions applied earlier. However, in the meantime, there was a change of fact due to extension of date of admission into B.Sc. Nursing course. Earlier the last date for admission was fixed to 30th September 2026 and it has been now extended to 31st October 2026, thereby giving opportunity and time to apply for grant of renewal of NOC afresh in respect of the left out institutions like present Petitioner.

8. In the circumstances of the present case and keeping in view the earlier order of this Court dated 13th August 2026 issued in the previous batch cases, we do not see any reason to deprive the Petitioner of the same benefit granted in respect of similarly situated institutions. Thus, as per the principles of parity, we are inclined to extend similar benefit in favour of the Petitioner.

9. At this stage, it is important to keep in mind the timeline as the last date of admission into B.Sc. Nursing course is fixed to 31st October 2026. Keeping the same in view, i.e. the timeline for admission into B.Sc. Nursing course, we permit present Petitioner to make his application either through e-Portal or physically, within a period of one day from today, i.e. on or before 17th October 2026 positively. We further highlight that the Petitioner is to deposit additional amount of Rs.60,000/- (Rupees sixty thousand only) over and above the required fees as he did not justify any diligent attempt to apply before the last date fixed for the purpose. The Petitioner has to apply on or before 17th October 2026, peremptorily, failing which no further extension shall be granted to him in any manner whatsoever. Upon receipt of the application from the Petitioner, the authorities shall act upon in accordance

with law, and take a decision thereof as soon as possible, preferably on or before 27th October 2026.

10. With aforesaid observations and directions, the writ petition is disposed of.

(B.P. Routray)
Judge

(Savitri Ratho)
Judge

Puspa, P.A.

Signature Not Verified
Digitally Signed
Signed by: PUSPANJALI MOHAPATRA
Designation: Personal Assistant
Reason: Authentication
Location: Orissa High Court
Date: 16-Oct-2026 18:24:20