



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P. (C) NO.22973 OF 2026
CNR No.ODHC010546092026

Balasore College of Engineering and Technology ***Petitioner***

Mr. Saurjya Kanta Padhi, Sr. Advocate being assisted
By Mr. Devi Prasad Dash, Advocate

-versus-

State of Odisha and others ***Opp. Parties***

Mr. Subha Bikash Panda, AGA
(for O.P. Nos.1 and 3)

Mr. Amitabh Mishra, Advocate
(for O.P. No.2)

Mr. Partha Sarathi Nayak, Advocate
(for O.P. No.4)

Mr. Bikash Jena, Advocate
(for O.P. No.5)

CORAM:

HON'BLE MR. JUSTICE K.R. MOHAPATRA

HON'BLE MR. JUSTICE MRUGANKA SEKHAR SAHOO

ORDER

12.08.2026

Order No.

W.P. (C) No.22973 of 2026 and I.A. No.13531 of 2026

- 02.**
- 1.** This matter is taken up through Hybrid Mode.
 - 2.** Appearance memo of Mr. Saurjya Kanta Padhi, learned Senior Counsel filed on behalf of the Petitioner-College is taken on record.
 - 3.** Heard Mr. Padhi, learned Senior Counsel along with Mr. Dash, learned counsel for the Petitioner, Mr. Panda, learned Additional Government Advocate for the Opposite Party Nos.1



and 3, Mr. Mishra, learned counsel for Opposite Party No.4 and Mr. Jena, learned counsel for Opposite Party No.5.

4. The Petitioner in this writ petition prays for the following relief:

“In view of the above noted facts and circumstances, it is most respectfully prayed that this Hon’ble Court may kindly be pleased to issue appropriate writ/s in the nature of mandamus or In any other appropriate form/s, directing the State Government i.e. O. P No. 1 and the Odisha-JEE i.e. O. P No. 2 along with their authorities to include the AICTE approved seats i.e. 150 seats instead of 120 seats in B. Tech (CSE) Course for U. G (Eng) Level, 120 seats instead of 90 seats in MBA Level and 30 seats instead of 18 seats in M. Tech (CSE) Course for P. G (Eng) Level; in the ongoing / ensuing O - JEE 2026 counseling and admission process for the current academic session 2026 -2027, and be pleased to direct the O -JEE (O. P No. 2) to upload / update the aforesaid approved seats of the petitioner— institute in the seat matrix of the OJEE - 2026 counselling by suitably extending/modifying the counseling schedule for the current academic session 2026-27 in consonance with the approval accorded by the AICTE to the petitioner-institute for the current academic session 2026-27 in letter dated 09-04-2026 under Annexure - 2 to this writ petition.

Further, may be pleased to issue appropriate writ/s, directing the said the University - BPUT i.e. O. P No. 4 along with their authorities to issue provisional affiliation to the petitioner-institute for the academic session 2026-27 in consonance with the intakes / seats approved by the ACITE - O. P No. 5 in letter dated 09.04.2025 under Annexure - 2 to this writ petition keeping in view of the propositions of laws settled by the Hon'ble Apex Court in the case of 'Jaya Gokul Education Trust vs. The Commissioner & Secretary to Government of Higher Education Department' reported In AIR 2000 SC 1614 with series of subsequent decisions (supra) delivered by this Hon'ble Court.

Also, be pleased to pass any other order /s, direction/s as may deem just and proper for the ends of justice.”



5. The grievance of the Petitioner in this writ petition is with regard to reduction of seats by the Biju Patnaik University of Technology, Odisha, Rourkela (for brevity 'BPUT')-Opposite Party No.4 in different Under-Graduate and Post-Graduate courses of the Petitioner-College in spite of the approval of the AICTE-Opposite Party No.5.

6. Mr. Padhi, learned Senior Counsel appearing for the Petitioner submits that the AICTE-Opposite Party No.5 on consideration of the application of the Petitioner and on making proper verification, approved 150 seats for Under-Graduate course in Computer Science and Engineering, 120 seats for Post-Graduate in management course, MBA and 36 seats for Post-Graduate in Computer Science and Engineering (new course). The grievance of the Petitioner is that BPUT unilaterally reduced the seats for Under-Graduate course in Computer Science and Engineering to 120 seats, Post-Graduate course in Master of Business Administration to 90 seats and Post-Graduate course of Computer Science and Engineering to 18 seats (new course) for affiliation.

7. Mr. Padhi, learned Senior Counsel submits that the unilateral reduction of seats as approved by the AICTE is contrary to the norms and legal position. He relied upon the case of ***Black Diamond Technical Education Society v. State of Odisha and another*** (W.P.(C) No.12590 of 2019) and order dated 22nd July, 2025 in ***Trident Academy of Technology, Bhubaneswar v. State of Odisha and others*** (W.P. (C) No.19441 of 2025). He submits that the guidelines in ***Trident Academy of Technology*** (supra) would be in the interest of the parties keeping the writ petition pending. He



verily relied upon paragraph-5 of the said order which is reproduced herein:

“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.”

8. It is further submitted that the counseling for the aforesaid courses by the OJEE has already been completed and the left-over seats are to be filled up by the college itself as per norms of the Government of Odisha.

9. Mr. Nayak, learned counsel for the BPUT, however, relied upon the case of ***Gandhi Institute of Technology and Management (GITAM), Bhubaneswar v. State of Odisha and others*** in W.P. (C) No.27040 of 2023 disposed of on 11th September, 2023 in which it is held as under:

“.....The applicability of the aforesaid principle decided by the apex Court to the case of the petitioner-institution has not been disputed by the learned counsel appearing for BPUT. Therefore, if the said principle is applicable to the petitioner-institution, BPUT is directed to grant affiliation within a period of two weeks subject to compliance of the deficiencies pointed out by BPUT as per Clause-17.6 of the guideline within a period of seven days so that the petitioner-institution will be eligible to admit the students in 120 seats of Master in Computer Application course. Accordingly,



opposite party no.2-OJEE is directed to upload the name of the petitioner institution in the list within a period of three days.”

10. He further submits that in order to comply with the approval of the AICTE, a team of experts consisting of Dr. Alok Ranjan Tripathy, Associate Professor, IMIT, Cuttack and Dr. Prakash Kumar Panda, Associate Professor, CUPGS, BPUT, Odisha was constituted to visit the Petitioner-College and submit their report. The expert committee conducted the inspection on 15th January, 2026 and reported the following deficiencies:

- (a) Faculty members with Ph.D. qualifications should be appointed.
- (b) The prescribed cadre ratio should be maintained.
- (c) The faculty-student ratio needs to be improved.

The finding of the expert committee was communicated to the Principal of the Petitioner-College on 10th April, 2026 (Annexure-6). It is his submission that no step has been taken yet by the Petitioner-College to rectify/remove the deficiencies. If the deficiencies are removed, the University does not have any objection to accord affiliation in accordance with the approval of the AICTE.

11. Mr. Mishra, learned counsel for the OJEE-Opposite Party No.2 submits that the counseling by OJEE has already been over. He also places before us the schedule of e-counseling of OJEE-2026 which is taken on record.



12. Mr. Jena, learned counsel for the AICTE-Opposite Party No.5 submits that the approval of seats has been done following due procedure of law.

13. Thus, the issue that arises for consideration is whether the BPUT is justified in reducing the seats as approved by the AICTE for the deficiencies found by the expert committee, which was communicated to the Petitioner-College on 10th April, 2026 (Annexure-6).

13. Mr. Padhi, learned Senior Counsel, however, submits that the Petitioner-College is ready to remove the deficiencies as communicated vide letter under Annexure-6 by tomorrow i.e. 13th August, 2026 and intimate the University accordingly.

14. Mr. Nayak, learned counsel for the BPUT submits that if the deficiencies are removed, the BPUT will immediately inspect the Petitioner-College and take a decision with regard to grant affiliation in accordance with the approval of AICTE.

15. In view of the submission made by the learned counsel for the parties and taking into consideration that the last date of admission to the aforesaid courses in the Petitioner-College is 14th August, 2026, it is directed that in the event the Petitioner removes the deficiencies, as stated in Annexure-6 and communicate the BPUT by 11.00 A.M. tomorrow, i.e., 13th August, 2026, then the inspection as required under law shall be done in course of that day, i.e., on 13th August, 2026 and the outcome thereof shall be communicated to the Petitioner-College forthwith.



16. The writ petition along with interlocutory application are disposed of accordingly.

17. The parties are at liberty to act upon the downloaded copy of this order from the website of the High Court of Orissa.

Urgent certified copy of this order be granted on proper application as per Rules.

(K.R. Mohapatra)
Judge

(Mruganka Sekhar Sahoo)
Judge

Jyostna/GS