

ORISSA HIGH COURT : CUTTACK

W.P.(C) Nos.16844 and 19200 of 2010

In the matter of applications under Article 226 of the Constitution of India.

In W.P.(C) No.16844 of 2010

Subhendu Mohanty Petitioner

-versus-

State of Orissa & others	Opp. parties
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For petitioner : M/s A.K. Mohapatra, Jajati Kr. Mohanty,
R.K. Panda, Senapati & R.K. Barik

For Opp. Parties : Mr. B.M. Patnaik and
R.K. Mohapatra, Govt. Advocate.

In W.P.(C) No.19200 of 2010

Akshaya Kumar Das & another Petitioners

- versus -

State of Orssa & others	Opp. Parties
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For Petitioners : M/s. Sarat Ku. Das, Kshiroda Ku.
Rout, T.K.Nayak & J.Naik

For Opp. Parties : M/s. Ashok Patnaik, Mr. B.M. Patnaik,
R.Mohanty, N.K. Rout, P.Mohapatra,
D.Varadwaj, S.Das & P.R. Patnaik and
R.K.Mohapatra, Government Advocate

P R E S E N T:

THE HON'BLE CHIEF JUSTICE MR V. GOPALA GOWDA

AND

THE HON'BLE MR JUSTICE B.N. MAHAPATRA

Date of Judgment - 28.03.2011

V.Gopala Gowda, C.J. W.P. [C] No. 16844 of 2010 has been filed in shape of Public Interest Litigation by one ex-student of Ravenshaw University (for short,

“the University”). W.P.C.(C) 19200 of 2010 is filed by two petitioners of whom petitioner no.1 is an old student of Ravenshaw College who was the President of the Students’ Union during 1971-72 and petitioner no.2 is a noted social activist who functioned as the President of the Students’ Union of the Ravenshaw College in the year 1970-71. He is a student guardian as well. They have given certain background of the institution stating that the College was established in the year 1869. It is the first and premier institution in the State of Orissa for imparting higher education. This institution has been a centre of excellence and it is at the forefront of imparting quality education in the country for over a century. It got converted to University in the year 2006 under the Ravenshaw University Act, 2006.

2. These writ petitions have been filed seeking for issuance of a writ of mandamus directing the opp. parties to declare the ongoing agitation in the University as illegal and take necessary legal action against the agitators, restore normalcy in the campus as early as possible and see that the name and fame of the University is protected in the larger interest and for imparting quality education to the students and making them as responsible citizens of the country.

3. Certain relevant facts have led the students to go on strike in the month of November, 2010 which are briefly stated as hereunder:

4. The University decided to allot the East Hostel of the institution to the girl students. A few students started agitation demanding allotment of the said Hostel to boy students. Taking advantage of inaction of the

authorities, the protestors resorted to various illegal means for which the closure of the institution continued with the protestors' unrelenting stand over their demand. In this regard, news were published both in local and national dailies. The copies of the news clippings are produced under Annexure-1 series. Therefore, some ex-students and important personalities of the State intervened in the matter but due to non-co-operation of the authorities and obstinate attitude of the protestors the matter could not be resolved. For ten days the Main entrance was kept locked by the unruly protestors and the students were forcibly denied entry into the Campus for attending regular classes of their respective courses for which they have been admitted. The faculty members, staff members and common people were not allowed to enter inside the University Campus. Even the ex-students, guardians, who came for the purpose of certificates and other purposes were also frustrated which resulted in complete breakdown of educational and other activities of the Institution. Even the mid-semester examination of post graduate classes were to be postponed due to the ongoing situations, other examinations are knocking at the door.

5. It is further stated that the protestors did not allow the boarders of the hostel as well as the employees and their family members to come out of the Campus to meet their day to day assignments which caused a lot of difficulties and harassment to them. Besides the above unruly activities, the developmental and construction works inside the Campus was also seriously hampered.

6. It is further stated that the National Sociological Seminar was scheduled to be held by the end of November. On account of protest and strike undertaken by the protesters the image of a noted Institution has been maligned. The Ravenshaw University being a public Institution every one has a right to enter into the Campus for some work or the other, but the unruly activities of some protesters deprived large number of students and public in exercising their constitutional rights and liberty, which is nothing but violative of Articles 14 and 21 of the Constitution of India.

7. It is further stated that due to the above stated act of some unruly agitators and callousness on the part of the opp. parties the future of a large number of brilliant students are going to be ruined. The country being a welfare State, it is the mandatory duty of the State and its instrumentalities to give protection to its citizens to discharge their duties freely. On account of the said protest, the destiny of large number of students, faculties and the employees are left in the hands of some vested interest people. Many students and other persons including the petitioners have requested the authorities and the Government agencies to resolve the issue but no effective steps have been taken by them in this regard.

8. Counter affidavit is filed by opposite parties 3 and 4 on 27.1.2011. When the matter was listed for preliminary hearing, having regard to the concern shown by the ex-students of the University this Court vide order dated 12.11.2010 after referring to the fact in brief and hearing learned Senior Counsel on behalf of the petitioners and learned Government Advocate and learned Senior Counsel Mr Biswa Mohan

Patnaik on behalf of the University along with Mr Ashok Kumar Patnaik, constituted a Seven-Member Committee under the Chairmanship of Justice Shri A.K. Parichha, former Judge of this Court who is at present functioning as the Chairman of the Policy Planning Body of the State Government to have a consultation meeting with the students and the authorities of the University with a view to persuade the students to call off their agitation and resume attending classes as expeditiously as possible and also to see that the grievances are redressed amicably without any hindrance. The Collector, Cuttack was directed to facilitate the aforesaid Committee to function effectively for the purpose for which it was constituted. On 15.11.2010, some of the Members of the Committee who were present in Court submitted that the Committee under the Chairmanship of Justice A.K. Parichha have made sincere efforts to interact with the students and University Administration and the students have agreed to attend the classes from 15.11.2011 onwards and the remaining grievances of the students are required to be redressed after effective consultation, for which they requested for two weeks' time to go into detail and find out the real problems behind the grievances of the students.

9. The Committee met the students and heard their grievances and submitted the interim report on 30th November, 2010. The main grievance of the agitating students reads thus :

- “1. The Vice Chancellor arbitrarily wants to convert the East Hostel of the Ravenshaw University into a girls' hostel although this hostel is traditionally a boys' hostel from the inception and there is

acute shortage of hostel accommodation for the male students.

2. There is shortage of class rooms and faculty members but the Vice Chancellor and University Administration are not taking proper steps to provide required number of class rooms and faculty members.
3. There is acute shortage of hostel accommodation and despite funds being provided by the State Government, the Vice Chancellor and University Administration are not taking any steps for construction of new hostels; rather they are spending the money in construction of Auditorium, convention hall, guest house, F.M. Station etc. which are less essential than hostels.
4. There is always shortage of water supply and there is lack of proper sanitation in the University campus for which the students are facing extreme hardship, but the Vice Chancellor and University Administration have not taken any steps to overcome the deficiencies.
5. The West Hostel of the University, which was accommodating about 200 male boarders, has been converted into a self-financing management institute causing shortage of hostel accommodation for the students.
6. The playground of Ravenshaw University has been given to Orissa Cricket Association as a result of which the University is deprived of using the same as a playground.

7. There is lack of proper library facility and the famous Kanika Library is being converted into a music gallery by the Vice Chancellor.
8. There is no students' co-operative store or canteen in the University campus and there is no mess in some hostels for which the students are facing difficulty.

10. In the said report certain suggestions in support of Item Nos.1, 3 and 5 regarding the hostels and their capacities both meant for boys and girls by giving particulars in a tabular form have been given at paragraph-8. It is also highlighted in the said report that during discussion with the Vice Chancellor as well as the students they expressed that there is need for some more hostels. The Vice Chancellor informed the Committee that Rs.17 crores was given by the State Government for renovation of the existing buildings and that amount has been spent mainly in renovation of East Hostel, West Hostel and college buildings. Further, the Vice Chancellor assured that proposal would be submitted to the Government for allocation of more funds for construction of new buildings.

11. Admittedly, it is stated in the said report that West Hostel which was earlier being occupied by about 200 male students has been converted into a self-financing management institute and part of this building is being used as the college and other part of it is being used as hostel for the students of that institute. It is noticed by the members of the Committee that many rooms in West Hostel are lying vacant and some rooms are occupied by some faculty members of Ravenshaw University.

12. It is also further highlighted that during discussion the Vice Chancellor said that faculty members residing in that building have been asked to vacate the West Hostel so that the vacant rooms can be allotted to some students of Ravenshaw University, who have paid fees for admission in the East Hostel. He also said that within a year or two separate infrastructures will be created for the management institute and the West Hostel will be made available for occupation of the students of Ravenshaw University.

13. It is further stated in the said report that though East Hostel was boys' hostel from the inception, the Vice Chancellor wants to convert this hostel into a Girls hostel on the plea that the percentage of the girl students in Ravenshaw University is more than the boy students and 1220 girl student boarders are residing in the hostel as against the seat capacity of 871. He also stated the number of boy students who have applied for accommodation in West Hostel. As against this, some students, whom we met, narrated before us that in fact hundreds of male students are waiting for hostel accommodation and applications of many such students have been returned by the University Administration on the plea that no hostel is available for them. They also stated that the East Hostel has been renovated as boys' hostel and now the entire infrastructure have to be changed if it is converted into a girls' hostel, which will cause loss of crores of rupees that has already been spent in renovation.

14. It is further stated that during the visit, the Committee found large number of boy students living in that hostel by keeping their

belongings on the floor and sleeping on the floor. Considering the above noted factors in view, the Committee made the following suggestions for consideration of this Court, which read as follows :

- “I. The Ravenshaw University administration may be directed to send proposal and estimate immediately to the State Government for construction of two multistoried hostels in the University campus and then State Government may be directed to allocate necessary funds for the same so that the construction of both the hostels can be completed within a period of two years.
- II. The Ravenshaw University administration may be directed to create separate infrastructure for the management institute and shift that institute from the West Hostel so that West Hostel would be available for occupation of the students of Ravenshaw University as before and this exercise may be directed to be completed within a period of one or two years. They may also be asked to allot the vacant rooms of West Hostel to some of the students awaiting hostel accommodation.
- III. Since East Hostel has already been renovated as boys’ hostel spending huge amount of money, the same may be allowed to continue as gents hostel and the boarder of any other gents hostel as well as some students who are awaiting hostel accommodation may be shifted to East Hostel and the vacated hostel may be renovated as a Girls’ hostel for occupation of Girls students.

15. In course of discussion with the Vice Chancellor and the agitating students in respect of Item No.2 the Committee has come across certain very important aspects that there is shortage of class rooms as well as faculty members. In fact, only 69 faculty members are there at present as against the sanctioned strength of 153. Class rooms in Arts block have been closed causing shortage of class rooms. It is also noticed by the Committee that new courses have been opened and there is no proper infrastructure for those new classes. The Vice Chancellor during the discussion stated before the Committee that advertisements were made, interviews were conducted, but suitable faculty members were not available and fresh exercise is going on for recruitment of faculty members for the vacant posts. He also said that renovation work of the class rooms in Arts block is under progress.

16. Having regard to the aforesaid deficiency, concern expressed by the Committee Members stating that continuing courses without adequate class rooms and faculty members in a prime institute like Ravenshaw University is a serious situation as by that the career of brilliant students are put to peril and risk. Therefore, the Committee suggested this Court for issuance of directions to the Vice Chancellor and the Ravenshaw University Administration to make all endeavour for filling up the vacant posts of faculty members immediately and to complete the renovation work of the Arts block classes at the earliest.

17. So far as Item No.4 the grievance of the students, particularly, the hostellers is concerned, it is stated that there is acute shortage of water supply to the hostels as well as University campus which causes extreme

hardship to them. The University campus has very poor sanitation and in rainy season all approach roads in the University campus are submerged in knee-deep water. During the visit, the Committee interacted with several students and hostel boarders and all of them told the Committee about the water shortage and poor sanitation in the University campus. The Committee noticed that the campus needs extensive cleaning and better maintenance. In this regard, the Committee suggested this Court for issuance of directions to the Vice Chancellor, Ravenshaw University administration, Public Health Department of the State Government and the Municipal Corporation, Cuttack to undertake necessary exercise to provide adequate water and proper sanitation inside the University campus without further delay in this regard.

18. As regards Item No.6, some students put forth their grievance that the Ravenshaw University playground has been given to Orissa Cricket Association for maintenance and use as a result the students of the University are deprived of using the playground. The Committee discussed this issue with the Vice Chancellor of the Ravenshaw University, who said that basing on an understanding between the then Ravenshaw College Administration and the Orissa Cricket Association, the playground is maintained by the Orissa Cricket Association spending approximately Rs.3 lakh per year and the Orissa Cricket Association also gives an annual grant of Rs.2 lakhs to the Ravenshaw Athletic Club for purchase of sports kits and equipments besides providing coach and curator. He told that recently Orissa Cricket Association is planning to fence the entire

Ravenshaw playground measuring 17 acres at a cost of Rs.50 lakh. According to him, this arrangement with the Orissa Cricket Association is highly beneficial to the Ravenshaw University and its students. He further told the Committee that the field maintained by Orissa Cricket Association is only 1/4th of the total playground area and several other fields for cricket, football, basket ball, volleyball and other games are available to the students. The students who talked to the Committee, however, stated that no proper playground is available for their use.

19. In Item No.7, it is pointed out that Kanika Library which is one of the oldest and well stocked libraries is being mutilated by the Vice Chancellor in the guise of renovation. The Vice Chancellor explained to the Committee that Kanika Library is being renovated and computerized and the entire library will be kept in digital technology, which will give better access to the students and faculty members.

20. In Item No.8, it is pointed out that there is no student co-operative store in the Ravenshaw University campus. The students say that such a co-operative store will be beneficial to all the students. The Vice Chancellor told the Committee Members that necessary steps will be taken for creation of a students' co-operative store in the University campus.

21. With regard to grievance of the Vice Chancellor and petitioners in W.P.(C) No.19200 of 2010, it is alleged that some students locked up the gates of Ravenshaw University thereby causing a total dead-lock in the campus. The Vice Chancellor in his write-up as well as in two subsequent letters intimated about the unruly conduct of some students. Some of the

students and office bearers of the Students' Union, on the other hand, alleged that the Vice Chancellor hardly comes to his office in the University campus and he runs his office from his residence.

22. Copies of the aforesaid report have been furnished to the petitioner and the University Administration and they have been asked to submit their response. Though the Ravenshaw University is represented by its Registrar, Deputy Registrar has filed affidavit in response to the said report by giving certain factual aspects and produced Annexure-A/1, which provides hostel-wise details of rooms, beds and existing occupation. Annexure-A/2 provides overall statistics of hostel accommodation, estimating the shortfall for girls as 773 beds. Annexure-A/3 only elaborates the points made in Annexure-A/2 with further details.

23. Letter dated 02.01.2011 was addressed to the Chief Justice, Orissa High Court. The said letter has been referred to the Registrar (Judicial) of this Court to place the same on record on 6.1.2011. Both the students who are the Peace Committee Members have signed and sent the said letter. They stated that while putting their signature in the report they had recorded their disagreement with the recommendation of the Committee to hand over the contentious East Hostel to boys for the simplistic reason that the installed standing urinals in the toilet are not meant for girls and the money spent on installation of the said urinals would be wasted if it is converted to a ladies hostel. Further, both of them are of the opinion that while the members of the Committee reaching such a conclusion have overlooked the fact that the urinals meant for boys can be easily replaced

with squatting urinal meant for girls in a surprisingly quick time and with almost no extra expenditure. The removed gents' urinals can be easily used in other gents' hostels or in the new gents' hostel scheduled to be built shortly so that nothing shall be wasted in the process. They further stated in their letter that in their considered view while dealing with an issue which has got far reaching bearing on the safety, security, dignity and continuance of studies of the girls in a State like Orissa where female literacy rate is much below the national average, the Members of the Committee instead of looking into sheer technicality should have gone deep into social, economic and cultural dimensions of the problem. They have further stated that conversion of West Hostel into a ladies hostel as recommended by the Members of the Peace Committee shall not ease the problem as one shall have to cover the whole breadth of the University field, which is more than half a kilometer to reach the University gate from any of the ladies hostels.

24. It is further stated in the said letter that the students have a democratic right to agitate for redressal of their grievances and the authorities have a moral responsibility to do the needful in this regard, but in their considered view the claim of any student or any group of students to stay in a particular hostel or the claim to preserve any hostel for boys *ad infinitum* only because it was used as a boys hostel for quite some time can never be regarded as a grievance. Moreover, vandalism, utter lawlessness, badmouthing the authorities, humiliation of lady teachers, forcible occupation of a partially renovated hostel for months and locking up the

main entrance of the University for weeks together can never be viewed as democratic forms of movement and no student or group of students should be allowed to resort to all these for redressal of their grievances of not being allowed to stay in the hostel of their choice. Therefore, they have requested to take their view into consideration at the time of examining the report of the Peace Committee and giving direction in this matter.

25. Thereafter the matter was listed on 27.1.2011. On that day, the Deputy Registrar of the University filed the affidavit responding to the report of the Peace Committee.

26. On 1.2.2011, we heard learned Sr. Counsel for the petitioners, learned Government Advocate and Shri B.M. Patnaik, learned Senior Counsel appearing for the University and reserved matter for orders.

27. Intervention application of the Ravenshaw Alumni Association came on record to have their say and express their concern in the matter. Some students of the University submitted a petition on 4.2.2011, which is also taken on record.

28. One Dr. Charu Chandra Hazra, Ex-Reader in Physics, Ravenshaw College an Ex-student of Physics addressed a letter dated 9.2.2011, which has been taken on record. He expressed his view regarding the East Hostel of the Ravenshaw University. He has also given certain views relating to the P.I.L. case. He has stated that boy students should stay in the East Hostel of the University. Further, he has sought for direction to the University to shift the self-financing course to the Second Campus

situated at C.D.A. (Braja Biharipur) for the purpose of smooth functioning of the Ravenshaw University.

29. One Shri Dinesh Prasad Pattnaik, Ex-Head of the Department, English, Ravenshaw College, Cuttack also sent a letter addressed to the Registrar (Judicial) of the Court expressing concern over the matter, which has been received on 9.2.2011 and taken on record. In paragraphs-2 and 3 of his letter, he has stated as under :

“Para-2 : While the girls don’t claim for East Hostel the V.C. should not go out of his way proclaiming the right of the girls for East Hostel, shouting from the house-top.

Para-3 : The number of girls studying in Ravenshaw University might exceed Sixty percent but the majority of the girls come from the Cuttack City itself. It is deplorable fact, a large number of boys students of the University live in rented rooms outside and get financially harassed.”

30. Some lawyers have also given their suggestions for resolution of the problems, which arose with regard to hostel accommodation to the students.

31. On the basis of factual and rival legal contentions the following points would arise for our consideration to find out whether certain directions can be given to the University and State Government for redressing the grievances of the students.

- i) Whether the grievance of the students that East Hostel of the University

which has been boys' hostel from the inception should be occupied by male students is genuine and proper?

ii) Whether resorting to agitation by the students or other protestors by way of closing down the main gate of the University thereby preventing ingress and egress of the students, faculty members and employees of the University is proper, legal and valid?

iii) What direction is required to be issued to the State Government and the University?

32. To answer the first point it is necessary to highlight the importance of the University in the country. The University is a centre of learning of the students who are the Wealth of the Nation. Through education the students are made good citizenries to take over the great responsibility of the country to render service to the citizens by occupying institutions, offices and educational centres, universities in the civil society. This University is one of the outstanding reputed educational institutions which has produced many number of responsible citizens who are holding high positions in life on account of good education they got in the University and they have been rendering yeomen service to the humanity in different fields. Therefore, this Court has viewed the importance of the University and the colleges under its control. All the concerned, namely, the Vice

Chancellor, the Registrar, Administrative Officers, Teaching faculties, employees and students must understand the object and intendment of establishment of the University and running its educational institution imparting education to the students in different disciplines who will come out of the University to render service to the society at large. Therefore, the atmosphere in the University should be free and congenial for which great men of the country are chosen and appointed by the State Government as the Vice Chancellor keeping the above aspect in mind. The Vice Chancellor of the University is required to perform very vital role in administering and managing colleges under the control of the University by taking everyone concerned into confidence to maintain congenial atmosphere particularly in the students community. The students community being wealth of the nation also have main role to play in getting themselves educated by the teaching faculty members. No doubt, during their studies at Pre-University and Under-Graduate levels their adolescent age may side track them by attracting to certain emotions. No doubt, the history of the nation and the world tells us that the students community has played vital role in getting themselves educated in the University and coming out from the colleges as enlightened Graduates to think about how best they can render service to the humanity. On account of various change in the economic scenario in the world over, the values in the society in all fronts have been degenerated. It has also affected the students' community. Nonetheless, in a civil society establishment of University for imparting education to the students is most important function of the State by spending crores of rupees from tax payers

money to see that civil society is kept intact and country is advanced by developing scientific temperament is the citizenries which is one of the fundamental duties under the Constitution Part IVA.

33. At the cost of repetition, it may be stated that this Court on 12.11.2010 constituted Seven-Member Committee from amongst the senior citizens headed by a former Judge of this Court, namely, Justice A.K. Parichha as its Chairman. The Committee visited the University Campus, interacted with the students, faculty members, Vice Chancellor and University Administration and requested them to restore normal atmosphere in the University campus and to wait for the decision of the High Court of Orissa on their grievances. Accordingly, the Committee submitted an interim report. The agitating students and the University Administration have responded to the request of the Peace Committee and the students have resumed attending classes with effect from 15.11.2010. It is the first positive step taken by the Committee and thereafter the Committee submitted the detailed report. The points which they have noted while interacting with the students after noticing the various deficiencies at the time of their inspection have been extracted above. The said suggestions have been given after noticing the main grievances of the agitating students which have been extracted in the body of the judgment. In fact, to each one of the Items the Committee has given its suggestions. Insofar as Item No.2 is concerned, it is noticed that there is shortage of class rooms as well as faculty members. The Committee found that out of 153 faculty members, 69 faculty members are there and there is no infrastructure for new classes.

The Committee is of the view that the East Hostel may be provided to the boy students as the same was used by them since inception, but the Vice Chancellor wants to convert the East Hostel into Girls Hostel on the strength of the girls as they are more than the boys. The current number of girls is 1220 against the hostel capacity of 871. It is also stated in the report that Rs.17 crores was given by the State Government for renovation of the existing buildings and that amount has been spent mainly in renovation of East Hostel, West Hostel and college building. Further assurance was given by the V.C. that proposals would be submitted to the Government for allocation of funds for construction of new buildings. The same view has been expressed by retired Ex-Reader in Physics (an ex-student) Ravenshaw College and a retired Ex-Head of the Department, English, Ravenshaw College that East Hostel must be housed by the boy students studying in the University. Therefore, the University must see that East Hostel is used as a hostel for the boy students. Two representatives of the students who are the members of the Committee in their letter dated 2.1.2011 objected to the suggestion made by the Committee stating therein that they had wanted a discussion with the Committee members before submission of the aforesaid report. The same was not done and only their signatures were obtained. It is an after thought, as they did not discuss the matter at the time of signing the report even though they are the representatives of the students' union. That apart, a large number of students of the University vide their letter addressed to the Chief Justice of Orissa High Court have requested that the East Hostel should be retained by the boys and new

ladies hostels should be built for them. Therefore, the suggestions given by the Committee has to be accepted, and we accordingly direct the Registrar of the University to see that the said East Hostel is allotted to the boy students. Insofar as girl students are concerned, accommodation which is available at present may be further developed and the hostel which has been given to the private educational institution must be taken back and the same should be made available to the girl students which will solve problem of hostel accommodation to large number of girl students as stated in the report. There would not be misunderstanding with reference to the hostel accommodation. For this trivial matter, the students shall not resort to agitation closing down the gates and preventing running of the University which will hamper the academic career of students. No doubt, the students have got democratic right to protect the interest of the society as a whole, but not for such trivial matters. However, they have rightly resumed their classes. Students as a whole should unite together and get themselves educated by creating fair environment for peaceful living and come out successful from the college. In this regard, it would be just and proper for us to give direction to the Registrar that apart from students association, there could be a grievance committee which shall be headed by the Registrar and periodical meetings of that committee is very much essential to see that grievance of the students is redressed thereby problems can be resolved at the initial stage itself. We answer the first point accordingly.

34. In so far as the second point is concerned, the same is answered as hereunder:

The Committee has rightly pointed out that the shortage in the number of the teaching faculty is more than 50 per cent. No, doubt, it has been stated in the report that the University Administration has taken steps to fill up the same, but they have been unsuccessful in filling up the vacant posts. Sincere and instant steps must be taken by the University Administration in this regard to fill up the vacant posts of teaching faculties for imparting education in various disciplines in the University. Further, steps for providing infrastructure must be taken by the University Administration. In this regard, the State Government may be requested for allocation of necessary funds. If budget allocation in the present financial year is not sufficient, the State Government may also consider including the same in the supplementary budget so that money may be utilized for the purpose of providing infrastructure.

35. Under Item No.4 it has been pointed out that there is acute shortage of water supply to the hostels as well as University campus, which causes hardship to them. It is pointed out in the report that there is poor sanitation in the University Campus and in the rainy season all approach roads inside the campus are submerged in knee deep water. This also must be attended to by the University Administration.

36. With regard to Item No.6, the grievance of the students is that the Ravenshaw University playground has been given to Orissa Cricket Association for maintenance and use depriving the students of the University to use the same. It is pointed out that the playground is maintained by the Orissa Cricket Association spending approximately

Rs.3 lakhs per year and the Orissa Cricket Association also gives an annual grant of Rs.2 lakhs to the Ravenshaw Athletic Club for purchase of sports kits. The University Administration must provide playground to the students who play cricket, volley ball, foot ball, etc., so that the students also can be engaged in sports activities and develop sportiveness at the time of getting education in the College. Further, it is pointed out by the Committee that Kanika Library, which is one of the oldest and well stocked libraries is being mutilated by the Vice Chancellor in the guise of renovation. The University Administration must see that Kanika Library which is the oldest one should be allowed to be retained. Co-operative Store should also be established and the same should be made functional for the students. In this regard, the University Administration is directed to take all positive steps.

37. It is alleged that the Vice Chancellor hardly comes to the office in the University and runs his office from his home. The Vice Chancellor must spend his time in the University Campus. He must hear the grievance of the students, faculty members and find out ways to redress the grievance of the students spending time inside the University campus. We hope and trust that all these observations shall be carried out by all the concerned for better functioning of the University and to see that the name and fame of the Ravenshaw University which has its importance at national level are maintained.

38. To sum up, we observe/direct as follows:

(1) Though the students have a right to put forth their genuine grievances before the University Authority in a democratic way, resorting to

agitation by closing down the gates of the institution and preventing running of the institution is not appreciated;

(2) The University authority shall see that East Hostel which has accommodated boy students since inception is allotted to the boy students;

(3) Immediate steps shall be taken by the University authorities to make available the West Hostel for accommodation of girl students of the University in which the self-financing management institute is allowed to run at present. Separate infrastructure may be created for the Management Institute.

(4) The University authorities shall take immediate effective steps to fill up the vacant posts of faculty members as early as possible;

(5) The grievances of the students with regard to scarcity of water supply and improvement in sanitation in the hostel as well as in the university campus should be redressed as early as possible;

(6) The heritage of Kanika Library should be retained;

(7) Being the head of the University, the Vice Chancellor should keep himself abreast of the day to day administration and the happenings inside the campus and deal with the matters especially relating to the students with a parental touch and take necessary steps to maintain good, cordial and congenial atmosphere inside the campus;

(8) The playground shall be made ready for use of the students and steps shall also be taken to establish Co-operative Store for the students as early as possible.

(9) A Grievance Committee headed by the Registrar of the University be constituted which shall have periodical meetings to discuss

and resolve the grievance of the students.

(10) Steps may be taken for development of infrastructure like construction of building for hostels and class rooms.

39. We hope, the students must co-operate with the Administration and see that vested interests are not allowed to interfere with the smooth running of the College by the University. They must see that good and cordial relationship is maintained in the campus by developing cultural and moral values for which our country is known. The Vice Chancellor and the University Administration shall strive hard to see that good, cordial and congenial atmosphere is maintained in the Campus. We also hope, the State Government will render all financial assistance to the University for development of the required infrastructure such as maintenance of University with sanitation, construction of hostels, library, playground, etc.

40. While parting with the case, it is necessary for us to place on record the invaluable service rendered by Justice A.K. Parichha, Chairman, Policy Planning Body of the State Government who was the Chairman of the Committee and all its Members learned Senior Counsel Shri Jagannath Patnaik and Shri Kedarnath Jena, Dr. Faizan Mustafa, Vice Chancellor, National Law University, Orissa, Dr. Manjushree Patnaik, Member State Legal Service Authority, Orissa and the students representatives, Shri Hari Shankar Rout, President, Students' Union, Ravenshaw University and Miss Soubhaghyalaxmi Kar, Vice President, Students' Union (W), Ravenshaw University. It is also necessary to place on record the invaluable views

expressed in writing by the Ex-Reader in Physics and Ex-student of the Ravenshaw College Dr. Charu Chandra Hazara and Ex-Head of the Department, English, Ravenshaw College who have taken much pain to share their experience and views.

With the aforesaid observations and directions, the writ petitions are disposed of.

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Chief Justice

B.N.Mahapatra, J.

I agree.

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Judge

Orissa High Court, Cuttack
Dated 28.03.2011/pcp