

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 1969 of 2015

- Raghvendra Singh Maurya S/o Shri Udal Singh Maurya, Aged 22 Years, R/o Village Ranisagar, Tehsil Sarangarh, District Raigarh Chhattisgarh Pin 496113

---- Petitioner

Versus

1. Indira Gandhi Krishi Vishwavidyalaya Through Its Registrar, Krishak Nagar, Raipur, Chhattisgarh 492012
2. Rani Durgawati College Of Horticulture, Through Its Principal, Village Menduka (Pendra Road), District Bilaspur, Chhattisgarh
3. State Of Chhattisgarh, Through Principal Secretary, Department of Tribal Welfare & Development Mantralaya, Mahanadi Bhawan, Naya Raipur, Chhattisgarh 492002

---- Respondents

For Petitioner

Shri Kshitij Sharma, Advocate

For Respondent/State

Ms. K. Tripti Rao, PL

For Respondent No.1

Shri D. N. Prajapati, Advocate

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

19/11/2015

1. With the consent of the learned counsel for the parties, the matter is heard finally.
2. In this petition under Article 226 of the Constitution of India, the petitioner, a student of B.Sc. (Horticulture) 1st year in the Rani Durgawati Horticulture College, Menduka, Pendra Road, has assailed the legality and validity of the order dated 05.10.2015 (Annexure-P-1), whereby the Indira Gandhi Krishi Vishwavidyalaya, Raipur (henceforth

'the University') has cancelled his admission.

3. Indisputably, the petitioner was admitted into the 1st year B.Sc. (Horticulture) Course by the respondent University and was allotted the college at Pendra Road, in the management quota, without undergoing the Pre Agricultural Test Examination (for short 'PAT Examination'). It is also not in dispute that the petitioner has cleared the qualifying examination i.e. the Higher Secondary School Certificate Examination as a supplementary candidate and has not cleared the same in the main examination. The admission has been cancelled on the ground that under Clause 4 of the PAT Examination 2015, Admission Rules (Annexure-P-6) (for short 'PAT Examination Rules, 2015'), the candidate, who has not cleared the qualifying examination in its main examination, but has cleared the same in any subsequent examination, would not be eligible for admission, even though, he has obtained merit position in PAT Examination, 2015.
4. Shri Kshitij Sharma, learned counsel for the petitioner, would strenuously urge that the PAT Examination Rules, 2015 would not apply in the case of the petitioner, because the petitioner was admitted in the management quota and not through the PAT Examination. He would refer to the various clauses of the PAT Examination Rules, 2015, particularly Rule 9 thereof. According to him, the petitioner has not concealed any information in his application form as would be reflected in his on-line application form and moreover, the petitioner's credentials regarding eligibility norms were duly considered by the Admission Committee consisting of senior functionaries of the University and thereafter admission slip was issued in favour of the petitioner, therefore, cancellation of admission without giving any opportunity of hearing is arbitrary.

5. Per contra, Shri Prajapati, learned counsel for the respondent University, would submit that the PAT Examination Rules, 2015 would apply to all the admissions in the agricultural colleges, therefore, the respondent University is entitled to invoke Clause 4 of the PAT Examination Rules, 2015 to cancel the admission, because in view of Clause 4 of the PAT Examination Rules, 2015, the petitioner is not eligible for admission.
6. The PAT Examination Rules, 2015 provides in Clause 9 thereof that such recognized private colleges affiliated with the University shall be entitled to admit 15% seats through the management quota in the courses of B.Sc. (Agriculture) and B.Sc. (Horticulture). The admission on these management quota seats shall be made on the basis of the minimum qualification/eligibility fixed by the University. Such candidates, who fulfill the minimum qualification/eligibility, shall be required to appear before the Admission Committee constituted by the University. The University has framed academic regulations for Bachelor Degree Programme. Clause 3 of the said regulations provides for admission and registration of Bachelor Degree Programmes, which includes B.Sc. (Horticulture). It says that the minimum qualification of Higher Secondary (10+2) or qualification with a minimum 50% aggregated marks shall be compulsory for the candidates admitted under the management quota. Thus, reading Clause 9 of the PAT Examination Rules, 2015 together with Clause 3 of the Academic Regulations, it is manifest that such candidates, who have the minimum qualification/eligibility under the Academic Regulations, are entitled to be admitted under the management quota without clearing the PAT Examination Rules, 2015. In case, a candidate intends to get admission through PAT, he is required to clear the qualifying examination in its main examination and not in the

supplementary examination in terms of Clause 4 of the PAT Examination Rules, 2015. However, when the petitioner has got admission in the management quota, the said Clause 4 of the PAT Examination Rules, 2015 is not applicable to him. The satisfaction of the minimum eligibility/qualification in terms of the Academic Regulations is sufficient for a candidate, who is admitted in the management quota.

7. In the matter of **Ashok Chand Singhvi v. University of Jodhpur and others**¹, the Supreme Court has held that when a candidate has not concealed anything from the university and was granted admission after considering all the relevant facts, he cannot be made to suffer by cancelling his admission after his joining the classes.
8. In addition to the above discussions, it also needs reference that the impugned order has been passed against the petitioner without giving any opportunity of hearing. It is not a case, where the petitioner has concealed anything and has secured admission by committing fraud, therefore, before cancelling his admission, the authority ought to have followed the principles of *audi alteram partem*.
9. For the foregoing, the writ petition is allowed and the order (Annexure-P-1) is quashed.

Sd/-

JUDGE

PRASHANT KUMAR MISHRA

Nirala

¹ (1989) 1 SCC 399