

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No. 314 of 2015**

1. Pt. Ravishankar Shukla University, Raipur through - Registrar {wrongly Mentioned by the Petitioner As- Vice Chancellor}, Pt. Ravishankar Shukla University, Aamanaka, Raipur,district Raipur, (Chhattisgarh).
2. Registrar, Pt. Ravishankar Shukla University, Aamanaka, Raipur,district Raipur (Chhattisgarh)

---- Appellants**Versus**

1. State Of Chhattisgarh through - Secretary, Higher Education Department, DKS Bhawan, Raipur, District Raipur (Chhattisgarh)
2. Dr. C.L. Patel, Professor-Cum-Chairman Of Board Of Studies And Member Of Exam Committee, Pt. Ravishankar Shukla University, Aamanaka, Raipur, District Raipur (Chhattisgarh)
3. Harjeet Singh Chawla S/o Narendra Singh Chawla Aged About 29 Years R/o Sadar Bazar, Baloda Bazar, District Raipur (Chhattisgarh)

---- Respondents

For Appellants	:	Shri Neeraj Choubey, Advocate.
For Respondent/ State	:	Shri U.N.S. Deo, G.A.

HON'BLE SHRI NAVIN SINHA, CHIEF JUSTICE &
HON'BLE SHRI P. SAM KOSHY, J.

Judgment On Board**Per NAVIN SINHA, C.J.****06/07/2015**

1. The present appeal arises from order dated 6.4.2015 allowing Writ Petition (C) No. 7380 of 2010.
2. Learned Counsel for the Appellants assailing the order under

appeal submitted that it still remains a matter for enquiry as to who signed and submitted the application for re-evaluation of the answer sheets of Respondent No.3.

3. We have considered the submissions on behalf of the Appellants.

4. Respondent No.3 pursued LLM course in the year 2010 and secured 57.33% and was thus eligible to be registered for PhD. It was his case that he had never applied for re-evaluation of his answer-sheets and was shocked to receive information that after re-evaluation of his answer-sheets, his marks had been reduced to 54.33% making him ineligible for the PhD course. In view of his denial that he had never applied for re-evaluation and that his signature had been forged, the Learned Single Judge directed enquiry by the Secretary, Department of Higher Education. The Secretary opined that in the nature of the controversy, the opinion of handwriting expert was necessary. The Learned Single Judge directed the State examiner of questioned documents to examine Petitioner's signature on the application for re-evaluation. The report of the State examiner dated 17.8.2012 opined that the application for re-evaluation was not signed by Respondent No.3. Subsequently the Learned Single Judge again directed the State examiner to examine the handwriting of Respondent No.3 in the application form and then compare it with the signature in the application submitted for re-evaluation. The State examiner again opined that the signatures did not match.

5. The Learned Single Judge therefore opined that the re-evaluation form had not been signed by the Petitioner but declined to order any further inquiry as to who had signed on his behalf.

6. In view of the opinion obtained by the Learned Single Judge not once but twice from the expert with regard to the signature of Respondent

No.3 on the application for re-evaluation, we are satisfied that the order under appeal calls for no interference in exercise of powers under Article 226 of the Constitution as it cannot be said that the conclusion of the Learned Single Judge was based on no materials.

7. The writ appeal is dismissed.

Sd/-
(Navin Sinha)
CHIEF JUSTICE

Sd/-
(P. Sam Koshy)
JUDGE