

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (C) No.1848 of 2015**

Ashish Yadav, S/o Shri Shashi Bhanu Yadav, aged about 24 years, R/o 3/A, Avenue C, Sector 1 Bhilai, District Durg Chhattisgarh, PS Sector 3, Police Station.

---- **Petitioner****versus**

1. State of Chhattisgarh Through Secretary, Department of Technical Education, Mahanadi Bhawan, Capital Complex, New Raipur, District Raipur, Chhattisgarh P.S. Rakhi.
2. Directorate, Technical Education, HOD Building, Block 3, 3rd and 4th Floor, Indravati Bhawan, New Raipur, Chhattisgarh.
3. Chhattisgarh Swami Vivekanand Technical University, Through its Registrar, North Park Avenue, Sector 8, Bhilai, Chhattisgarh, P.S. Sector 6, District Durg.
4. RSR Rungta College of Engineering and Technology, Kohka-Kurud Road, Bhilai, Chhattisgarh, P. S. Kohka, District Durg.

---- **Respondents**

For Petitioner	:	Shri Rahul Tamaskar, Advocate
For State/Respondents No.1 and 2	:	Shri B. Gopa Kumar, Deputy Advocate General
For Respondent No.3	:	Shri Rajeev Shrivastava and Shri Malay Shrivastava, Advocates
For Respondent No.4	:	Shri Avinash Chand Sahu, Advocate

Hon'ble Shri Navin Sinha, Chief Justice
Hon'ble Shri Justice P. Sam Koshy

Order on Board**Per Navin Sinha, Chief Justice****4/12/2015**

1. The Petitioner assails order dated 6.10.2015 passed by Respondent No. 2, Commissioner-cum-Director, Directorate of Technical Education, Employment and Training, Chhattisgarh, cancelling his admission in

M.Tech. (Power System and Control) Discipline in the Chhattisgarh Swami Vivekanand Technical University.

2. In view of the stand taken on behalf of Respondent No. 2, we do not consider it necessary to take note of the facts of the case except to the extent relevant for purposes of the present order so as not to prejudice either of the parties in the nature of the order to be passed.

3. Suffice it to observe that it emerged as an undisputed fact during the proceedings that the impugned order visiting the Petitioner with the very serious adverse consequences for cancellation of his admission was passed without an opportunity of defence or a show cause.

4. Learned Counsel for the State submitted that the Officer-in-Charge of the case Dr. S.K.Singhai, Associate Professor, Government Engineering College, Bilaspur has taken telephonic instructions today itself from the Commissioner-cum-Director, Respondent No. 2 that the impugned order is being withdrawn insofar as the Petitioner is concerned, but without prejudice to the rights of the Respondents afresh in accordance with law.

5. Dr. Singhai, who is present in the Court before us, was specifically asked by us if he has spoken to the Commissioner-cum-Director himself and has been verbally communicated as was submitted on his behalf by the Learned State Counsel.

6. Dr. Singhai confirms to us that he has had a verbal talk over the phone with the Commissioner-cum-Director and then only he has instructed the Government Counsel accordingly.

7. In view of the stand taken on behalf of Respondent No. 2, that the order dated 6.10.2015 is being withdrawn with regard to the Petitioner and is not to be acted upon, there is no occasion for us to adjudicate the matter on merits at this stage.

8. Suffice it to only observe that if the Respondents have withdrawn the impugned order, no adverse consequences can follow insofar as the Petitioner is concerned if he has suffered any handicap in the meantime because of the impugned order.

9. The writ petition is disposed in the aforesaid terms.

Sd/-
(Navin Sinha)
CHIEF JUSTICE

Sd/-
(P. Sam Koshy)
JUDGE