

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 49 of 2016

Upendra Kumar Banjara S/o Shri Dharam Sewak Banjara, Aged About 23 Years R/o Village And Post Kotba, Tahsil Ptthalgaon, Civil And Revenue District Jashpur, (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Higher Education Department, Mantralaya Bhawan, New Raipur, (Chhattisgarh)
2. Surguja University, Through Its Registrar, Surguja University, Ambikapur, (Chhattisgarh)
3. Gurukul Arts, Commerce & Science College, Patthalgaon, Through Its Principal, Gurukul Arts, Commerce & Science College, Patthalgaon, District Jashpur, (Chhattisgarh)

---- Respondents

For Petitioner	:	Shri Ravindra Agrawal, Advocate
For Respondent No.1	:	Shri R.K. Mishra, Dy.A.G.
For Respondent No.2	:	Shri Neeraj Choubey, Advocate
For Respondent No.3	:	Shri R.R. Soni and Shri A.K.Yadav, Advocates

S.B.:Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

17/02/2016

Heard.

1. This petition has been filed by the petitioner seeking a direction to respondents to permit the petitioner to fill-up examination form for B.Sc. Part-III (Computer Science) examination as non-collegiate student for the Session 2015-16 and also permit him to appear in the examination.
2. The petitioner was admitted to B.Sc. Part-I (Computer Science) examination in the year 2011-12 in the college of respondent No.3. as regular student. The

petitioner passed B.Sc. Part-I (Computer Science) examination in the year 2011-12. Thereafter, he was admitted to B.Sc. Part -II in the year 2012-13 as regular student. The petitioner, however, failed. Thereafter, he again appeared in the examination in the year 2013-14, wherein also he failed. In the year 2014-15, the petitioner was permitted to take up examination of B.Sc.-Part-II (Computer Science) as an Ex-Student. The petitioner passed examination.

3. Submission of learned counsel for the petitioner is that the petitioner approached respondent No.3-College for his registration so that he may apply for his enrollment to appear in the B.Sc. Part-III (Computer Science) examination scheduled for the session 2015-16. But the respondents have illegally and arbitrarily refused to register the petitioner, with the result that the petitioner has neither been registered with the College nor he is being provided with the examination form for enrollment. Thus, the petitioner has been deprived to take up the examination resulting in loss of year.
4. Learned counsel for the respondent-University and College submit that the petitioner never applied to the College for permitting him to take up practical work as per the provision contained in Ordinance No.6 of the University applicable to the College. The petitioner without having completed the practical work as required under Ordinance No.6, cannot be permitted to take-up examination as non-collegiate student under the provision of Ordinance No.20 applicable in the University.
5. The petitioner admittedly was not admitted in B.Sc. Part-III course. In that view of the matter, the only status of the petitioner would be that of a non-collegiate student as in the context of provision contained in Ordinance No.6, it has been provided as to who would be a regular candidate, ex-student candidate and non-collegiate candidate, in following words:

“ 1. In this Ordinance and in all Ordinances and Regulations laying down conditions for appearing at an examinations of the University for a degree or a diploma, either generally or for a particular examination, unless there is anything repugnant in the subject or context-

(i) “Regular Candidate” means a person who has prosecuted

a regular course of study in a University Teaching Department, School of Studies or College and seeks admission to an examination of the University as such.

(ii) “Ex-Student Candidate” means a person who was admitted to an examinations as a regular candidate and was not declared successful thereat or was not able to appear in the examination though admission card was correctly issued to him by the University and seeks admission again to the said examination.

(iii) “Non-Collegiate Candidate” means a person who seeks admission to an examination of the University otherwise than as regular candidate or ex-student candidate.”

x x x

x x x

6. As per the aforesaid provision, the status of the petitioner is only that of a non-collegiate candidate.
7. Admission of a non-collegiate candidate to examination of the University is governed by the terms and conditions under Clause 13 of the Ordinance No.6. Clause 13 (3) applicable in the present case reads as follows:

“(13) (3) No Non-collegiate candidate shall be admitted to an examination of the University unless such candidate if he has offered a subject for such examination for which a course of practical work is prescribed, has completed such work in a University Teaching Department or a School of Studies or a College and submits to the Registrar before the last date notified by the University a certificate of such completion from the Head of the Teaching Department or School of Studies or the Principal of the College”

8. A perusal of the aforesaid provision makes it clear that a non-collegiate candidate can be admitted to an examination of the University only when he

has offered a subject for such examination for which a course of practical work is prescribed and he has completed such work in a University Teaching Department or a School of Studies or a College and submits to the Registrar before the last date notified by the University, a certificate of such completion from the Head of the Teaching Department or School of Studies or the Principal of the College.

9. Therefore, in order to lay a claim for enrollment and appearance in the examination, the petitioner is required to full-fill the aforesaid stated minimum requirement.
10. The pleadings of the petitioner are blissfully vague lacking in foundational facts entitling the petitioner to relief claimed in the petition. There is no specific pleading much less any document to show that the petitioner applied to the College for his registration for taking up the course of practical work in the year 2015-16. The petitioner has made vague and evasive averments in the petition.
11. The College has emphatically denied that the petitioner was ever registered in the Institution or he made any application for being registered to take up practical work in the Institution. It appears that the petitioner, without applying to the Institution for permitting him to take-up practical work, approached the Institution for providing him examination form and fulfilling the same for being forwarded to the University for the purpose of the enrollment in the ensuing academic examinations of the year 2015-16.
12. In view of the above, the petition is dismissed. However, if the petitioner applies to the College for permitting him to take-up practical work, the college shall consider his application and decide the same and if the petitioner takes up practical work as per the provision contained in the Clause 13 (3) of the Ordinance No.6, his candidature for examination shall be considered in the next academic sessions.

Sd/-
(Manindra Mohan Shrivastava)
Judge