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HIGH COURT OF CHHATTISGARH, BILASPUR**W.A. No. 244 of 2016**

1. Vikas Kumar, S/o. Shri Anandi Paswan, aged about 28 Years (Mechanical Engineering Student), R/o. C- 65, Devendra Nagar, Sector- II, District Raipur (C.G.) India.
2. Harshit Pendre, S/o. Shri Chain Singh Pendre, Aged About 29 Years (Chemical Engineering Student), R/o. B- 183, Ram Krishna Paramhanas Nagar, Housing Board Colony, Kota, District Raipur (C.G.) India.

---- Appellants**Versus**

1. National Institute Of Technology, Raipur Through Its Registrar, G.E. Road, Raipur 492010, Chhattisgarh. India.
2. Dean (Academic) National Institute Of Technology, Raipur G.E. Road 492010, Chhattisgarh. India.
3. Chairman, National Institute Of Technology, Raipur G.E. Road 492010, Chhattisgarh, India.
4. Director, National Institute Of Technology, Raipur G.E. Road Raipur 492010, Chhattisgarh India.
5. Ram Kishore Bodh, S/o. Shri Late Atma Ram Bodh, Aged About 30 Years (Mining Engineering Student), R/o. Kota Masjid Road, Soni Hospital, District Raipur Chhattisgarh, India.
6. Raju Ram Salam, S/o. Shri Mankur Salam, Aged About 33 Years (Electrical Engineer Student), R/o. Kota, Near Mahadev Mandir, District Raipur (Chhattisgarh) India.
7. Arun Kumar Durgam, S/o. Shri Durgan Mallaiyya, Aged About 25 Years (Mining Engineering Student), R/o 256 M I G- II, Sector- I, Devendra Nagar, District Raipur, Chhattisgarh. India.

---- Respondents

For Petitioners	: None
For Respondents	: Shri Prateek Sharma,

Hon'ble The Chief Justice
Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board**27/06/2016****(1)** Even when the case was called in the second round, none

appeared on behalf of the appellants.

(2) It is the contention of the appellants that this appeal is delayed by 139 days. Despite this fact, we have looked into the merits of the matter because we do not want to reject the appeal on technical ground of limitation.

(3) The main prayer made by the appellants in Writ Petition No. 1657/2015 filed by them was that they may be given one more opportunity to clear the examination. The appellants were admitted in B.Tech Course in different years. Appellant No. 1- Vikas Kumar was admitted to B. Tech course in NIT in the year 2008. Appellant No. 2- Harshit Pendre was admitted to B.Tech course in the year 2004. They had filed the writ petition along with three other petitioners.

(4) The appellants/petitioners prayed that they may be granted benefit of relaxation under clause 2(b) of Circular (Annexure P-1). They have only completed the examination i.e. 8th Semester. However, they have already spent more than seven years in the college which is the maximum period under the Rules for completing B. Tech course .

(5) By the impugned order the learned Single Judge held as follows:

“After hearing learned counsel for the parties, I have no hesitation to hold that as far as petitioners 1, 2, 3 and 5 are concerned, they are not entitled to any benefit either under clause (a) or clause (b) of the circular. They cannot complain of discrimination because classification is based on a rational criteria in both the cases. When benefit under clause (a) is available to those students who have been benefited 8th semester, attended class and awarded sessional marks when these petitioners are not, benefit under clause (b) are given to those students whose total period of seven years has not been completed. Both the criteria can neither be said to be extraneous or irrelevant.

The argument that as the classification is based on humanitarian ground, students who have failed in the past should be allowed atleast one opportunity irrespective of number of years which have been elapsed, has to be rejected because it is essentially a matter of policy to be determined by the respondents and not by the Court. Though it was open for the respondents to collect names of students of these categories, but the respondents have not chose to do it".

(6) None appears for the appellants before us. We see no reason why relaxation should be granted to the appellants, because no grounds have been made for such relaxation except the ground of humanitarian consideration. It is for the educational body to decide what should be the rules in this regard, the Court cannot interfere in the same.

(7) We find no merit in this appeal. The appeal is accordingly dismissed.

Sd/-

(Deepak Gupta)
Chief Justice

Sd/-

(Sanjay K. Agrawal)
Judge