

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 1482 of 2013**

Tusharkant Kaushik S/o Shri Murari Lal Kaushik Aged About
28 Years R/o Rajaswa Colony, Bilaspur, Civil & Revenue
Distt Bilaspur, Cg

---- Petitioner**Versus**

1. Chhattisgarh Swami Vivekanand Technical University And
Ors. S/o Through The Registrar, C.G. Swami Vevekanand
Technical University, North Park Avenue, Sector-8, Bhilai,
Distt Durg, CG
2. The State Of Chhattisgarh Through The Secretary, Higher
Education Department, Mahanadi Bhawan, Mantralaya, New
Raipur, Distt Raipur, CG
3. The Registrar Chhattisgarh Swami Vivekanand Technical
University, North Park Avenue, Sector 8, Bhilai, Distt Durg,
CG
4. Government Engineering College Koni, Distt Bilaspur, CG

---- Respondents

For Petitioner	: Mr. Hemant Kesharwani, Advocate.
For Respondent No.1 & 3	: Mr. Anumeh Shrivastava, Advocate
For State/ Respondents No.2 & 4	: Ms. Tripti Rao, Panel Lawyer.

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order on Board****21/04/2016**

Heard.

1. This petition has been filed by the petitioner assailing the correctness and validity of re-evaluation carried out by respondents No.1 & 3 in the matter of B.E. 8th Semester examination conducted by the respondent University in the subject of Refrigeration and Air Conditioning whereby, the petitioner has been awarded 44 marks.

2. While the petitioner has stated in the petition that in

carrying out exercise of re-valuation, provision contained in Clause 22 and Rule 27 of Ordinance No.5 have not been followed, the respondents in their return, on affidavit, have disputed and denied the same and have made emphatic assertion that the re-valuation was carried out in accordance with the provision of the Ordinance.

3. Which Rule is required to be followed, is not in dispute between the parties. Whether in the matter of re-valuation, Rule was followed or not is an issue which arises for consideration in this petition.

4. In view of the nature of dispute between the parties, this case required perusal of the original records of re-valuation and award of marks by the examiner at different stages of valuation.

5. However, due to undue delay and laches in approaching this Court, i.e. two years after declaration of re-valuation result, this petition is liable to be dismissed on this ground alone. To put the facts straight, the examination was conducted in the month of April-May 2011, result was published on 2nd of July, 2011 and re-valuation result declared on 24.08.2011. The petitioner was not satisfied so he applied for re-valuation, results of which were also declared on 29.09.2011. These facts have been stated by the petitioner himself and not disputed by the respondents.

6. The petition, however, came to be filed almost two years after declaration of the result of re-valuation.

7. Learned counsel for the respondents has stated that as per the Rules relating to preservation and destruction of records, the relevant records and answer-sheet have been destroyed and they are not possessed of any material relevant to present re-valuation dispute. This assertion of fact could not be disputed by learned counsel for the petitioner.

8. The petitioner has to blame himself for approaching this Court belatedly in the matter of dispute arising out of an exercise of re-valuation.

9. Learned counsel for the petitioner pointed out that this

Court directed to respondents to produce the records. However, the respondents have come out with the return, assertion and affidavit supported by the documents which I do not find any reason to doubt.

10. In the absence of original records and in the absence of any other material placed before this Court by the petitioner to bring home the allegation in the petition, no relief can be granted. The petition substantially is liable to be dismissed on the ground of delay and laches itself.

11. The petition is therefore dismissed.

Sd/-

(Manindra Mohan Shrivastava)
J U D G E