

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 2082 of 2015

Priyanka Kerketta D/o Shri Elisiyus Kerketta, Aged About 24 Years R/o Raja Para Gadhbhitara, Raigarh, P. S. Kotwali, Dist. Raigarh (Chhattisgarh)

---- Petitioner

Versus

1. Indira Gandhi Agriculture University Through The Registrar Raipur (Chhattisgarh) 492012
2. Dean College Of Agriculture & Research Center, Boirdadar, Post Box No. 06, Raigarh, Dist Raigarh (Chhattisgarh) 496001
3. Chairman Admission Committee, College Of Agriculture, Raipur Dist Raipur (Chhattisgarh) 492012

---- Respondents

For Petitioner	:	Shri Rakesh Anthony, Advocate
For Respondents	:	Shri Atanu Ghosh, Advocate under instructions from Shri Shashank Thakur, Advocate

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

Order On Board

05/05/2016

1. Reply has not been filed by the respondents. Learned counsel appearing for the respondents prays for 2 weeks time to file reply.
2. Challenge is to order dated 2.9.2015 passed by 3rd respondent cancelling petitioner's admission to B.Sc.(Agriculture) Course in the College of Agricultural at Raipur.
3. Learned counsel for the petitioner submits that even if it is accepted that petitioner was not eligible for admission, rightly or wrongly she had been granted admission for none of her faults. The petitioner did not suppress

any fact. If the respondents have granted admission despite petitioner being ineligible, her admission could not be cancelled. It is next submitted that in the alternative, if it is found that cancellation of admission is proper, direction may be issued for making payment of appropriate compensation for mental torture and financial loss.

4. Learned counsel for the petitioner could not dispute that only those candidates are eligible for admission to B.Sc. (Agriculture) course who have passed 12th with Science or Agriculture subject.
5. In the absence of there being any dispute on this aspect, the petitioner admittedly being a student from Commerce stream was not eligible for admission to B.Sc. (Agriculture) Course.
6. It is apparent that the admission was granted to the petitioner without proper scrutiny of her eligibility conditions. Once it was disclosed, no fault can be found with the action taken by respondents to cancel petitioner's admission. Though prayer for compensation is made, considering that the petitioner was beneficiary of an illegal act, no compensation could be awarded. However, fee paid by the petitioner is required to be refunded to her. Let it be done within 2 months by respondent No.3.
7. With the aforesaid observations, the petition is finally disposed off.

Sd/-
(Manindra Mohan Shrivastava)
Judge