

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 2551 of 2016**

1. Ankit Barwal S/o Shri Chiranjilal Meena, Aged About 20 Years, Student of B.Tech, 3rd Semester Engineering (Civil) of Guru Ghasidas University Bilaspur Chhattisgarh Resident of C-129, Mandal Town, Malviya Nagar, Jaipur District Jaipur (Rajasthan).

---- Petitioner**Versus**

1. Guru Ghasidas University Through Registrar, Koni, Bilaspur District Bilaspur Chhattisgarh
2. Dean of Guru Ghasidas University, Information Of Technology Department, Koni Bilaspur, District Bilaspur, Chhattisgarh
3. Director/Head of the Department, Civil Engineering, Guru Ghasidas University, Koni Bilaspur, District Bilaspur, Chhattisgarh
4. Controller of Examination, Guru Ghasidas University, Koni Bilaspur, District Bilaspur Chhattisgarh

---- Respondents

For Petitioner	Shri R. S. Patel, Advocate
For Respondents	Shri Atanu Ghosh, Advocate on behalf of Shri Shashank Thakur, Advocate

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****17/03/2017**

1. Petitioner has prayed for a direction to the respondents to grant him admission in the 3rd Semester of B.Tech. Course.
2. Petitioner is a student of B.Tech. (Civil) Course in the respondent Guru Ghasidas University (for short 'the

University'). Admission in the 3rd Semester of the course was opened till 31st of July 2016. According to the petitioner, he was ill from 15.07.2016 to 13.08.2016, therefore, he could not apply for admission, but subsequently his father moved a representation on 23.08.2016 to grant admission to the petitioner. This representation was not considered, therefore, the petitioner has preferred this writ petition.

3. Shri R.S. Patel, learned counsel appearing for the petitioner, would submit that four other students namely; Hemant, Aditya Ranjan, Vedant Singh and Akhand were granted admission in similar circumstances and, as such, the petitioner was also entitled to get admission. According to him, for the fault of the University, who had not taken his viva examination in the practical paper of Engineering Chemistry Lab, the petitioner should not be made to suffer.
4. Per contra, Shri Atanu Ghosh, learned counsel appearing on behalf of Shri Shashank Thakur, learned counsel for the University, would submit that the petitioner having failed in the practical examination of Engineering Chemistry Lab in the 2nd Semester, he is not entitled for admission in accordance with the applicable regulations. He would further submit that case of the students namely; Hemant, Aditya Ranjan, Vedant Singh and Akhand is

distinguishable from the petitioner's case, therefore, there is no discrimination with the petitioner.

5. Indisputably, the petitioner did not clear all the papers of 2nd Semester Examination till the last date of admission i.e. 31st July 2016 nor did he appear in the backlog paper of Engineering Chemistry Lab so as to allow him to take provisional admission, which could have been later on regularized, if he would have passed the examination subsequently, as was done by other candidates.
6. Clause 12 of the Regulation for the Award for the Degree of Bachelor of Technology in the School of Studies, Engineering and Technology Guru Ghasidas Vishwavidyalaya, Bilaspur (for short 'the Regulations') makes a provision for promotion to higher year and higher semester.
7. Clause 12.1 of the Regulations provides that those students who have cleared all the registered theory, practical, sessional subjects prescribed for the B.Tech. first year shall be promoted to the B.Tech. second year. Those students who have cleared all the registered theory, practical/sessional/subjects prescribed for the B.Tech. second year shall be promoted to the B.Tech third year. Those students who have cleared all the registered theory, practical/sessional subjects prescribed for the

B.Tech. third year shall be promoted to the B.Tech. fourth year.

8. Further, clause 12.4 of the Regulations provides that those B.Tech. students who are allowed to appear the supplementary examination (of odd or even or both semester), may be provisionally admitted to attend the classes of the next higher odd semester of the next year. However, such provisionally admitted students will become regular only after passing in all their backlog papers in supplementary examination, if eligible otherwise.
9. A plain reading of the Regulations would manifest that unless the students cleared all the registered theory practical/sessional subjects prescribed for the B.Tech. first year, second year and third year, as the case may be, shall be promoted to the higher year or higher semester and provisional admission is permissible to those students who are allowed to appear in the supplementary examination, however, they will become regular only after passing in all their backlog papers in supplementary examination, if eligible otherwise.
10. By the petitioner's misfortune, he did not appear in the supplementary examination also, therefore, his case is clearly distinguishable from the case of Hemant, Aditya Ranjan, Vedant Singh and Akhand, who had appeared in the supplementary examination and were granted

provisional admission and were subsequently made regular when they have cleared all the backlog papers. The petitioner was, thus, clearly not eligible even for the provisional admission. It is not a case of failure to apply within the prescribed date but it is a case where the petitioner was not at all eligible for regular or provisional admission to third semester.

11. As a sequel, this Court does not find any substance in the petition and accordingly, the same is liable to be and is hereby dismissed.

12. There shall be no order as to cost(s). Sd/-

Gowri

Judge
Prashant Kumar Mishra