

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No. 29 of 2017**

Bilaspur University, Through its Registrar, Old High Court, Bilaspur,
District- Bilaspur (C.G.)

---- Appellant

versus

1. Smt. Kunti Prasad W/o Shri Ramshankar Prasad, Aged about 50 years,
R/o House No. B/4, High Court Residential Premises, Rahangi Road,
Achanakpur, Chakarbhata, District Bilaspur (C.G.)
2. Guru Ghasidas University, Through its Registrar, Koni, Bilaspur, District
Bilaspur (C.G.)

---- Respondents

For Appellant	:	Shri Sudeep Agrawal, Advocate
For Respondent No.1	:	Shri Goutam Khetrapal, Advocate
For Respondent No. 2	:	Shri Hemant Gupta, Advocate

Hon'ble Shri Thottathil B. Radhakrishnan, Chief Justice
Hon'ble Shri P. Sam Koshy, Judge

Judgment on Board

06/04/2017

1. We have heard the learned counsel for the Appellant and the learned counsel for the Respondents.
2. This appeal by the second Respondent is against the judgment of the learned Single Judge.
3. The first Respondent- Guru Ghasidas University issued a communication to the Appellant- Bilaspur University for the intake of the writ petitioner for the Ph.D course in Geography. The writ petitioner admittedly obtained M.Phil

from the first respondent/University. The learned Single Judge adverted to and considering the effect of MoU as between Respondents 1 and 2 concluded that the writ petitioner having M.Phil, cannot be compelled to undergo the course works and was eligible for intake into the Ph.D course of the second respondent/University in terms of the bilateral obligation arising out of the MoU between Respondents 1 and 2. The interpretation and construction given by the learned Single Judge to the terms of MoU and the obligation of the Respondents 1 and 2 in relation to writ petitioner's case, where she admittedly obtained M.Phil from the first Respondent/University, does not provide any room for interference in writ jurisdiction. The decision of the learned Single Judge in that regard cannot be faulted on the view that the said approach adopted through the impugned judgment is erroneous in law. We also noticed that the writ petitioner was qualified with an M.Phil Degree to her credit in 2010 and it was only in 2012 that the second respondent/University came into being. It had to carry on the obligations it has under the MoU with the first respondent. On the totality of the facts and circumstances, we cannot hold that the writ petitioner was to be compelled to carry on with course works in terms of the provision of the Ordinance governing the Appellant/University. We are therefore unable to hold that the impugned judgment is illegal. We find that the said judgment does not warrant interference at the instance of the Appellant/University.

4. The writ appeal therefore fails and the same is accordingly dismissed.

Sd/-

(Thottathil B. Radhakrishnan)
Chief Justice

Sd/-

(P. Sam Koshy)
Judge