

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 63 of 2018**

D. L. S. P. G. College Through Basant Sharma, S/o Late Dashrath Lal Sharma, Aged About 50 Years, Chairman Of Parth Shikshan Samittee, Address- Ashok Nagar, Sarkanda, Bilaspur (Chhattisgarh) 495006, District : Bilaspur, Chhattisgarh

---- Petitioner

Versus

1. Bilaspur Vishvvidhayaya Through Its Registrar, Bilaspur University, Near Gandhi Chowk, Bilaspur (Chhattisgarh), District : Bilaspur, Chhattisgarh
2. The Registrar Bilaspur University, Near Gandhi Chowk, Bilaspur (Chhattisgarh), District : Bilaspur, Chhattisgarh
3. Controller Of Exam Bilaspur University, Near Gandhi Chowk, Bilaspur (Chhattisgarh), District : Bilaspur, Chhattisgarh

--Respondents

For Petitioner	:	Mr. Jugal Kishore Pandey with Mr. Devershi Thakur, Advocates
For Respondent	:	Mr. Sudeep Agrawal, Advocate

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

27.02.2018

Heard.

1. The petitioner-College through his Chairman has filed this petition seeking a direction to the respondent-University to extend the last date of submission of examination form for the students or exempt students from paying the late fee for submission of examination form. The petitioner has also prayed for a direction to University not to create any hurdle for the students of the petitioner Institution to appear in the annul examination conducted by the University for the academic session 2017-18.

2. The petitioner College is a Private Education Institution run by a Society in the name of Parth Shikshan Samittee. It is admitted to the privileges of the State University namely Bilaspur Vishvavidyalaya which is State University established under the Chhattisgarh Vishvavidyalaya Adhiniyam, 1973. The petitioner institution had been admitting student in various disciplines in its College which also included admission to two years B.Ed. course. It appears that from the side of the College, there was some delay in seeking the list of admitted students in various disciplines including B.Ed. courses. The University had issued a notification on 24.11.2017 setting the deadline for submission of online applications by the applicants who are desirous of appearing in various examination conducted by the University. This notification is placed on record as Annexure P/2. Further, it is reflected from the records of the case that the University discontinued one time password facility from 20.12.2017 for the reason that the College had not forwarded the list of students within the time prescribed in the notification. This gave rise to dispute between the College and the University. In response to several letters issued by the College to the University, requesting the University to allow submission of online form for enrollment and for examination, the University sent a communication dated 04.01.2018 (Annexure P/1) informing the College that though according to the University, the list of all the students admitted to the Course of the College were not sent to the University within the time stipulated, acceding to the request of the College and the interest of the student, University has decided to allow online submission of forms between the period from 04.01.2018 to 07.01.2018. The letter also stated that the College is required to ensure that those students who are filling application form should be eligible in all respects and their admission should have been made in accordance with the admission Rules.

3. At this stage, the College filed instant petition on 05.01.2018 seeking aforesaid direction.

4. Learned counsel for the petitioner argued that the petitioner institution is being unnecessarily harassed and victimized by the University authority. According to him, the petitioner-College had submitted list of students to the University within time except those students who were to take admission in the

B.Ed. course. According to him, the list of candidates desirous of taking admission in B.Ed. course was under preparation and in the process of forwarding by the State Council of Educational Research and Training and which process continued till 18.09.2017, therefore, it was not possible for the college to send the list of those students who were admitted to B.Ed. course in the college and therefore, discontinuing the online form submission facility before 30.12.2017 was not proper. He would further submit that the B.Ed. students could not fill up the form within the time for the aforesaid reason. Therefore, requiring B.Ed students to fill up the form with late fee is illegal and arbitrary.

5. Learned counsel for the petitioner also argued that after filing of the petition, 156 students have now filled up their examination form on online basis but remaining 118 could not be fill up the forms because a short time was granted by the University and it was not possible for the Institution to communicate all the students about the deadline of 07.01.2018 for submission of online form. Therefore, in these circumstances, appropriate direction may be issued to allow remaining 118 students to fill up the form.

6. On the other hand, learned counsel for the Respondent-University would submit that the University has been acting in accordance with law. He would submit that the College has failed to forward the list of duly admitted students within the time stipulated and referred to in communication dated 04.01.2018. However, despite all lapses committed on the part of the college, in the larger interest of the students, University decided to again open the online examination form submission facility for a period of four days from 04.01.2018 till 07.01.2018 which was fully within the notice and knowledge not only on the students but also the college. Even according to the petitioner College, 156 students have already filled up the form which shows that those who could not fill up the form for one reason or the other have to blame themselves and the College and at the instance of the institution, their grievance could not be taken cognizance of in this petition.

7. I find that the University had been communicating to the College with regard to submission of forms within the stipulated period. Communication dated 04.01.2018 (Annexure P/1) shows that though there were certain disputes in the

past because of the College had forwarded the list of students on 27.12.2017, finally the University decided to again give one more opportunity to all the students to fill up the forms on online basis. According to the petitioner institution, 156 students availed the facility of extended period and have also filled up them forms. According to him, remaining 118 students did not fill up form. This Court is complete lost as to how the College could represent the grievance of those 118 students who are not before the Court. If 156 students could fill up the form, it only leaves the Court to ponder as to why 118 students could not fill up the form. These students have not come before the Court even till date they have not filed any petition. The petition of the College does not even contain affidavits of these students to say that for any of the fault on the part of the respondent, they could not fill up the form.

8. This petition appears to be frivolous. The petition was filed by the petitioner-College on 05.01.2018 itself whereas still three days were remaining for the students to fill up forms on online basis. Therefore, at the instance of the College, no relief can be granted in favour of those 118 students who did not fill up the form.

9. According, the petition is dismissed.

Sd/-
(Manindra Mohan Shrivastava)
Judge