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HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (C) No. 689 of 2018

1. Pooja Mishra D/o O. P. Mishra, aged about 18 years, address- Ganga Nagar, F- 12, Mangla, Bilaspur, Chhattisgarh
2. Megha Singh W/o Ganesh Singh, aged about 26 years, address- Bandwapara Sarkanda, Bilaspur, Chhattisgarh

---- Petitioners

Versus

1. Bilaspur University through Registrar, Bilaspur University, near Ghandhi Chowk, Bilaspur, Chhattisgarh
2. D.L.S. P.G. College, through- Principal, address- Ashok Nagar-Sarkanda, Bilaspur, Chhattisgarh 495006
3. Controller of Exam, Bilaspur University, near Ghandhi Chowk, Bilaspur, Chhattisgarh

---- Respondents

For Petitioners	:	Ms. Upasana Mehta, Advocate
For Respondents 1 & 3	:	Shri Sudeep Agrawal, Advocate
For Respondent no.2	:	Shri Devershi Thakur, Advocate

Hon'ble Shri Justice P. Sam Koshy

Order On Board

16/03/2018

Present writ petition has been filed seeking for a direction to the respondent University not to create a hurdle for the students in participating in the annual examination for the year 2017-2018.

2. The grievance which the petitioners have raised in the present writ petition is that petitioner no.1 took admission for B.Sc course and petitioner no.2 for B.Ed course in respondent no.2 college. The University issued a notification dated 24.11.2017 for filling up examination forms and the date for filling up the examination form was from 01.12.2017 to 31.12.2017. The students were also permitted for filling up the examination form with late fees

between 01.01.2018 to 07.01.2018. Meanwhile, the University authorities had closed the website portal of the college for filling up the examination form on account of certain lapses on the part of respondent no.2 college. Therefore, the present petitioners could not fill up the examination form.

3. Counsel for the petitioners submits that though the University in between had opened the portal for filling up examination forms directly by the students between 04.01.2018 to 07.01.2018, the petitioners because of want of information in this regard, could not fill up the examination form and that is why they have now come before this Court seeking for a direction to the respondents for permitting them at least now to fill up the examination form. Counsel for the petitioners referred to certain documents in respect of some examination forms which have been accepted by the University subsequent to the closure of the portal. Thus, prayed for a suitable direction for accepting the examination form of the petitioners also.

4. Counsel for respondent no.1 University, per contra, opposing the petition submits that a similar issue had already been raised by the respondent no.2 College before this Court in WPC No. 63 of 2018 and this Court dismissed the said writ petition on 27.02.2018. He submits that while deciding the said writ petition, the Hon'ble Court has already taken into consideration the aspect of certain candidates who could not fill up examination form during the period when the portal was opened and therefore, the present writ petition also squarely stands covered by the said judgment.

5. So far as the examination forms of the three candidates which have been accepted by the University are concerned, it has been brought to the notice of the Court that when the said matter was inquired, it was found that one Section Officer namely Pradeep Singh was involved in acceptance of the said examination forms illegally beyond last date and appropriate disciplinary action has already been initiated against the said Officer so also against

respondent no.2 College. Meanwhile, the University has already cancelled the permission which was granted to those three person who had filled up their examination form after closing date and their admit cards also as a consequence stood cancelled.

6. Given the aforesaid facts and circumstances of the case, it would be relevant at this juncture to refer to paragraph-7 of the order passed by this Court in WPC No. 63/2018 which is reproduced hereunder:

> "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 their 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 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."

7. A bare perusal of the highlighted portion of the aforesaid paragraph itself would show that the present writ petition has subsequently now been filed after a period of more than 2 ½ months from the date the last date was over i.e. on 07.01.2018. No proper explanation or justified reason has been given as to why the petitioners could not approach the Court immediately after 7th of January, 2018 when the forms were not accepted neither is it their contention in the petition that they had immediately gone to the Institution for the aforesaid reasons but they could not fill up the examination form.

8. In the given factual background of the case, this Court does not find any fresh ground made by the petitioners which has not been considered by this Court in WPC No. 63/2018. Moreover, the observation made by the Court in the said judgment squarely applies in the case of the present petitioners as well. Accordingly, this court does not find any strong ground made out for interference or for issuance of any suitable writ. The writ petition thus being devoid of merit stands dismissed.

Sd/-
(**P. Sam Koshy)**
JUDGE

Bhola