

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Writ Petition (C) No. 779 of 2018**

Smt. Sharda Yadaw W/o Sanjay Yadaw, aged about 30 years,
 occupation student (pursuing B.Ed) at D.L.S. P.G. College, Ashok
 Nagar, Sarkanda, Bilaspur, District Bilaspur (CG)

---- Petitioner**Versus**

1. State of Chhattisgarh through Secretary, Department of Higher Education, Mahanadi Bhawan, Naya Raipur, Revenue and Civil District Raipur, Chhattisgarh
2. Bilaspur University through Registrar, Bilaspur, Revenue and Civil District Bilaspur, Chhattisgarh
3. D.L.S. P.G. College, through Principal, Ashok Nagar, Sarkanda, Bilaspur, Tehsil Bilaspur, District Bilaspur, Chhattisgarh

---- Respondents

For Petitioner : Shri Surfaraj Khan, Advocate
 For Respondent/State: Shri B. Gopa Kumar, Dy. Advocate General
 For Respondent no.2 : Shri Neeraj Choubey, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****22/03/2018**

Challenge in the present writ petition is to the order dated 19.12.2017 Annexure P-1 whereby the eligibility certificate of the petitioner for participating in B.Ed. course has been cancelled by respondent no.2 University.

2. Counsel for the petitioner submits that an identically placed person namely Smt. Rekha Yadav had filed a similar writ petition before this Court seeking for a direction to the respondents permitting her to participate in the examination for B.Ed. course commencing from 1st of

March, 2018 and this Court vide order dated 26.02.2018 had passed an interim order in favour of the petitioner therein permitting her to participate in the examination. It is the contention of the petitioner that to avoid further such interim orders, the respondent no.2 has now issued Annexure P-1 whereby the eligibility certificate of the petitioner has been cancelled.

3. At this juncture, counsel appearing for the University Shri Neeraj Choubey submits that he has instruction to state that the cancellation has been made on the ground that the graduation marks sheet which has been produced by the petitioner has been issued from Madhya Pradesh Bhoj (Open) University, Bhopal and the study centre in the mark sheet has been shown as Lakhram, District Bilaspur. He submits that Bhoj University, at the relevant point of time, did not have the authority to open study centres outside the territory of the state of Madhya Pradesh. He further submits that the Bhoj University did not have the power to open study centre out of the State of MP stood settled by the authoritative decision of the Supreme Court in the case of Prof. Yashpal Vs. State of Chhattisgarh reported in (2005) 5 SCC 420. He refers to the order of the Division Bench of MP High Court in 2007 4 MPLJ 54 (Uttaranchal Education Trade and Technology Pvt. Ltd. CANAM Technologies Ltd. Vs. State of Madhya Pradesh) decided on 6th of August 2007 wherein paragraph-27 it has been held as under:

“27. We have referred to the same only to show that the State Legislature has created eight universities under the Second Schedule and has stipulated the territorial jurisdiction apart from the headquarters. According to the 1991 Act the Bhoj (Open) University being an open University has the jurisdiction to extend to the whole of the Madhya Pradesh. It is to be understood in that context because a University in the state cannot have study centres outside the territorial jurisdiction of it.”

4. This view stood further reiterated by the Supreme Court in AIR 2005 SC 3959 (Rai University v. State of Chhattisgarh and others) and AIR 2007 SC 2253 (Kurmanchal Inst. of Degree and Diploma & Ors. v. Chancellor, M.J.P. Rohilkhand University & Ors.) wherein it has also been held that the concerned University would not be entitled to open study centres outside the territory of the State where the university situates.

5. Given the factual matrix of the case, this Court does not find any strong case made out by the petitioner at this juncture to assail the order of the University which has cancelled the eligibility certificate of the petitioner in the light of the same having been issued to the petitioner by the Bhoj University which did not have the authority and permission to have a study centre in Chhattisgarh.

6. The writ petition thus deserves to be and is accordingly dismissed.

Certified copy today.

Sd/-
(P. Sam Koshy)
JUDGE