

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR**  
**WPC No. 2378 of 2018**

Keshav Patel S/o Shri Shyam Lal Patel Aged About 17 Years (Minor) Through His Father Shyam Lal Patel, S/o Shri Ajeet Ram Patel, Aged About 44 Years, R/o Village - Bagudega, Tahsil - Lailunga, District Raigarh Chhattisgarh..

---- **Petitioner**

**Versus**

National Institute Of Technology Raipur Through The Registrar, National Institute Of Technology Raipur, G.E. Road, Raipur Chhattisgarh.

---- **Respondent**

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For Petitioner : Shri Rishi Rahul Soni, Advocate.

For Respondent : Shri Prateek Sharma, Advocate.

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**Hon'ble Shri Ajay Kumar Tripathi, Chief Justice**  
**Hon'ble Shri Parth Prateem Sahu, Judge**

**Order on Board**

**28/09/2018**

**Per Ajay Kumar Tripathi, Chief Justice**

1. The Petitioner sat in the JEE examination conducted in the year 2008. On the basis of his rank and position he was provisionally allotted a seat in the National Institute of Technology, Raipur for the academic programme in Metallurgical Engineering. He appeared for verification of his original documents, but his admission was refused on the ground that OBC-NCL certificate tendered by him related to the year 2015 and not of the year 2018. He could not be given the benefit of admission in the category of reservation and that is how the provisional allotment made stood cancelled or withdrawn.

2. Submission of the counsel for the Petitioner is that since 15.07.2018 was a Sunday, therefore, he was not in a position to obtain a new OBC-NCL certificate. He prayed for certain time to produce one but the Respondents refused. Petitioner applied for such certificate on 16.07.2018, he was issued that certificate by the Sub-Divisional Officer, Lailunga, District Raigarh. On 17.07.2018, he again appeared before the Respondents with said certificate but to no avail.

3. The dates for counselling are fixed. There are candidates who are otherwise successful and eligible are waiting in the queue and the counselling and the process of admission cannot be await or wait for a candidate, if something is amiss at the time of verification of the original documents. It is not only about the right of a candidate to beget admission on the basis of his position and rank coupled with the declaration but also a right of other candidates who to have a claim for consideration down the line and otherwise fulfill all the eligibility and criteria.
4. Since the dates of counselling are fixed roll number wise and it has to be rotated continuously, therefore, the admission process cannot be on hold for a candidate to obtain and beget the eligibilities, which he otherwise was lacking.
5. From the return filed on behalf of the National Institute of Technology, that seems to be primary reason why the provisional allotment letter issued to the Petitioner was withdrawn. The failure was on the part of the Petitioner and not of the authorities.
6. This Court is also not willing to make any leeway for the reason that when the claimants run in thousands and lakhs, any kind of indulgence will throw the entire schedule for counselling and admission into disarray. In this case the last date was 15.07.2018.
7. The Petitioner had deposited a sum of Rs.35,000/- provisionally for getting admission but since he was not granted admission for the reasons noticed, he may make an application to the competent authority for the refund which shall be considered by them in terms of the regulations or the policy in this regard within a period of eight weeks of filing of such a request.
8. The writ application is otherwise dismissed.

Sd/-  
(Ajay Kumar Tripathi)  
**CHIEF JUSTICE**

Sd/-  
(Parth Prateem Sahu)  
**JUDGE**