

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 3069 of 2018**

- Amit Saha S/o Shri Lalit Kumar Saha Aged About 22 Years
Residence Of House No. 114/K, Near Radhaswami Satsang
Vyas, Boirdadar, Raigarh, District Raigarh Chhattisgarh.

---- Petitioner**Versus**

1. Chhattisgarh Swami Vivekanand Technical Education (CSVTU)
Through Its Director, Chhattisgarh Swami Vivekanand Technical
Education, Bhilai, District Durg Chhattisgarh.
2. Rungta Group Of Institutions, Through The Director, Rungta
Educational Campus, Khoka - Kurud Road, Bhilai, District Durg
Chhattisgarh. 490024.
3. State Of Chhattisgarh Through Directorate Of Technical
Education, Through The Director, 3rd Block, 3rd Floor, Indrawati
Bhawan, New Mantralaya, District Naya Raipur Chhattisgarh.

---- Respondent

For Petitioner : Shri Prakash Tiwari with Shri Palash Tiwari, Advocates.
For Respondent No. 1 : Shri Anumeh Shrivastava, Advocate.
For Respondent/State : Shri Anand Dadriya, Deputy GA.

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****31/10/2018 :**

1. Considering the fact that the Writ Petition involves the career and
one precious year of the petitioner, who desires to take
admission in the BE Course in the respondent No.2/college and
further considering the nature of default pointed out by the

Registry, the same is ignored and the Writ Petition is heard on admission.

2. The petitioner has taken admission in the respondent No.2/college in the year 2015 for pursuing three years diploma course. He appeared in the 6th semester (final semester) examination in May, 2018, for which the result was declared on 22nd June, 2018. In the said result, the petitioner was shown to have obtained only 11 marks in the subject of "Quantity Surveying & Costing -II". In revaluation, he was again shown to have secured 12 marks but in re-revaluation, he was awarded 41 marks and thus he was declared pass in all the subjects. Resultantly he cleared his diploma examination. The said result of re-revaluation and the consequent final result of diploma course was declared on 17.10.2018, however, by this time, the final date for admission in the BE course was already over on 15th August, 2018.
3. The petitioner's counsel would contend that since the petitioner was not at fault for his inability to take admission within the prescribed time, he should not be made to suffer.
4. Learned counsel for the University appearing on advance copy, which has been supplied to him during the course of the day, would submit that since the petitioner had not cleared diploma examination by the last date of securing admission, the University could not have granted admission to the petitioner

unless the petitioner's name is approved and recommended by the Department of Technical Education.

5. Having heard learned counsel for the parties and on examination of the papers filed with the Writ Petition, it appears, without finding fault with the valuers or the University, it is to be appreciated that the result of final semester diploma course was declared on 22nd June, 2018 i.e. much before the last date i.e. 15th August, 2018 when the admission to BE Course was closed. Had the petitioner's answer-sheet was valued properly, he would have qualified for obtaining admission in the BE Course on 22nd June, 2018. Therefore, result of revaluation or re-revaluation which has inured to his benefit after 22nd June, 2018 would relate back to the said date because the petitioner was never at fault either on 22nd June, 2018 or thereafter, if answer sheets were not valued properly. Situation would have been different if the result of some other examination was declared after 15th August, 2018. Here is a case where the result was declared on 22nd June, 2018 and the result of re-revaluation is part of that result, which was originally declared on 22nd June, 2018. Equity jurisdiction of the Court would therefore come to the rescue of the petitioner in the facts and circumstances of the case and the Writ Petition deserves to be disposed of in the following terms:-

- Let respondents No.1 and 3 consider recommending the petitioner's name for admission in the concerned discipline for

which the petitioner is qualified and on such recommendation being made, if the seats are available and vacant, respondents No.1 & 3 shall consider to grant admission to the petitioner in the BE (3rd Semester) according to the Rules.

- Let entire process be completed on or before **12.11.2018**.

Sd/-
Judge
(Prashant Kumar Mishra)

Barve