

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 76 of 2019

- Shikhar Chaba S/o Dr. Rakesh Chaba Aged About 23 Years
R/o Block No. 24, Plot No. 25, Nehru Nagar East, Bhilai,
District Durg Chhattisgarh-490020.

---- Petitioner

Versus

1. Registrar, Pt. Deendayal Upadhyay Memorial Health Sciences And Ayush University Of Chhattisgarh Situated At Uparwara, Naya Raipur (Atal Nagar) Chhattisgarh-492001.
2. Dean, Chandulal Chandrakar, Memorial Hospital Pvt. Ltd., Kachandur, Kurud Road, District Durg Chhattisgarh-490024.
3. Vice Chancellor, Pt. Deendayal Upadhyay Memorial Health Sciences And Ayush University Of Chhattisgarh Situated At Uparwara, Naya Raipur (Atal Nagar) Chhattisgarh-492001.
4. State Of Chhattisgarh, Through Secretary, Department Of Health And Family Welfare And Medical Education, Mahanandi Bhawan, Naya Raipur, Raipur.

---- Respondents

For Petitioner	:	Shri Saurabh Dangi, Ms Surya Kawalkar Dangi & Shri Trivikram Nayak, Advocates
For Respondent/ University	:	Shri N. K. Vyas, Advocate
For Respondent/State	:	Shri Alok Bakshi, Addl. Adv. General

Order On Board By

Hon'ble Justice Shri Prashant Kumar Mishra

13/02/2019

1. Petitioner has been visited with an order by the Unfair Means Committee of the respondent University debarring him to appear in the entire examination of the year (current year) as well as in any examination conducted by the University in the next year.
2. The order has been passed as the petitioner was allegedly found to be using unfair means by means of some written material on his palm. When the Invigilator caught the petitioner and recorded his statement he misbehaved and torn the paper containing his statement and this has been made the basis for invoking Clause 6 of Regulation 10 of the University.
3. Clause 6 of Regulation 10 provides that any candidate found destroying/attempting to destroy material concerned with objectionable matter or the answer booklet may be visited with penalty not allowing him to appear in the entire examination of that year as well as in any examination conducted by the University in the next year.
4. The return filed by the respondent/University does not disclose as to whether the petitioner was trying to destroy ***“any material concerned with objectionable matter or the answer booklet”***.
5. Moreover, petitioner was not heard before passing the order under Clause 6 of Regulation 10, therefore, for all the above stated reasons, I deem it appropriate to allow the respondent/University to pass fresh order within a period of one week from today.

6. It is made clear that before passing fresh order, the petitioner shall be heard by the Unfair Means Committee. It is also made clear that the impugned order shall not be acted upon unless and until the fresh order is passed by the University.
7. With the aforesaid observations and directions, the writ petition stands disposed of.
8. Certified copy today.

Sd/-

Prashant Kumar Mishra
Judge

Ayushi