

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (C) No.2854 of 2019**

Priyansh Shrivastava S/o Rakesh Shrivastava Aged About 18 Years House No. 450, Sorgipal Para, Kondagaon Chhattisgarh.

---- Petitioner

Versus

1. State of Chhattisgarh Through Secretary, Technical Education, Mahanadi Bhawan, Atal Nagar, Raipur Chhattisgarh.
2. Director Directorate of Technical Education, 3rd/4th Floor, Indrawati Bhawan, Atal Nagar, Raipur Chhattisgarh.
3. Chhattisgarh Board of Secondary Education Through Secretary, Chhattisgarh Board of Secondary Education, Pension Bada, Raipur Chhattisgarh.

---- Respondents

For Petitioner : Mr. Anoop Majumdar, Advocate
 For Respondent/State : Mr. Vikram Sharma, Deputy Govt. Advocate

Hon'ble Shri P.R. Ramachandra Menon, Chief Justice
Hon'ble Shri Parth Prateem Sahu, Judge

Order on Board**Per P.R. Ramachandra Menon, Chief Justice****21/08/2019**

1. The case of the Petitioner, as put forth by the learned counsel, is that the Petitioner had appeared in the Higher Secondary School Examination held by the Respondent-Board in the year 2019. The result was declared on 10.05.2019. The Petitioner's result was withheld marking him as 'RWN' category, which according to the Petitioner is that, the result was withheld due to non-availability of registration number. The Petitioner concedes that in June-2019, he came to know that he had failed in 'four' subjects and in the said circumstance, he applied for participating in the supplementary examination, instead of filing an application for revaluation. The reason

given is that by that time the last date for applying for revaluation was already over. Learned counsel points out that the Petitioner cleared the supplementary examination, the result of which was declared on 08.08.2019. The last date for verification of the documents for CGPET examination was scheduled as 12.08.2019, but the Petitioner could not produce the 'result-sheet' as it was published only on 14.08.2019, as disclosed from Annexure P/3. By the time the 'result-sheet' was made available, the last date was over and hence the doors were closed before the Petitioner for ever, which made the Petitioner to move this Court with the following prayers :

“10.1 That, the respondent No.2 may be directed to accept the application/candidature of the petitioner along with his scorecard of HSSC Examination and on the basis of pre-engineering test score, he may be allotted suitable engineering college of his preference.

10.2 That, the Hon'ble Court may further be pleased to pass any other order in favour of the petitioner as it may deem fit and proper under the facts and circumstances of the case along with cost of the petition.”

2. Learned counsel representing the State submits that the proceedings were finalized by the Respondents in accordance with law. It is pointed out that the Petitioner was not a person who was eligible to participate in the CGPET examination, which was held on 15.05.2019, he being a 'failed candidate'. Even though, it is stated that the bonafides of the Petitioner had to be doubted, having failed in four subjects, he participated in the CGPET examination on 15.04.2019. We are not proceeding to make any inference or conclusion with regard to the bonafides or malafides insofar as no sufficient material is put forth before this Court in this regard. What is stated by the Petitioner in the writ petition is that, it was only in June-2019, that he came to know that he had failed in 'four' subjects, but by that time, the CGPET examination was over on 15.05.2019.

3. Be that as it may, the fact remains that the Petitioner could clear the supplementary examination on 14.08.2019 and by that time, the last date for verification of the documents was already over. It is also brought to the notice of this Court by the learned counsel representing the State that the last date for getting admission in the Engineering College was 14.08.2019, by virtue of the law declared by the Supreme Court in **Parshvanath Charitable Trust and Others v. All India Council for Technical Education and Others, (2013) 3 SCC 385**. Paragraphs- 41 to 43 are reproduced below for ready reference:

“41. The appropriate Schedule, thus, would be as follows :

<i>Event</i>	<i>Schedule</i>
Conduct of Entrance Examination (AIEEE/State CET/ Management quota exams etc.)	In the month of May
Declaration of Result of Qualifying Examination (12 th Exam or similar) and Entrance Examination	On or before 5 th June
1st round of counselling/admission for allotment of seats	To be completed on or before 30th June
2nd round counselling for allotment of seats	To be completed on or before 10th July
Last round of counselling for allotment of seats	To be completed on or before 20th July
Last date for admitting candidates in seats other than allotted above	30th July However, any number of rounds for counselling could be conducted depending on local requirements, but all the rounds shall be completed before 30th July
Commencement of academic session	1st August
Last date upto which students can be	15th August

admitted against vacancies arising due to any reason (no student should be admitted in any institution after the last date under any quota)	
Last date of granting or refusing approval by AICTE	10th April
Last date of granting or refusing approval by University/ State Govt.	15th May

42. The admission to academic courses should start, as proposed, by 1st August of the relevant year. The seats remaining vacant should again be duly notified and advertised. All seats should be filled positively by 15th August after which there shall be no admission, whatever be the reason or ground.

43. We find that the above Schedule is in conformity with the affiliation/recognition schedule afore-noticed. They both can co-exist. Thus, we approve these admission dates and declare it to be the law which shall be strictly adhered to by all concerned and none of the authorities shall have the power or jurisdiction to vary these dates of admission. Certainty in this field is bound to serve the ends of fair, transparent and judicious method of grant of admission and commencement of the technical courses. Any variation is bound to adversely affect the maintenance of higher standards of education and systemic and proper completion of courses.”

- 4. It is to be noted that the writ petition itself is dated 19.08.2019 i.e., after the cut-off date prescribed by the Supreme Court in **Parshvanath Charitable Trust** (supra) as mentioned above.
- 5. This being the position, this is not a fit case to call for interference. The writ petition fails. It is dismissed accordingly.

Sd/-
(P.R. Ramachandra Menon)
CHIEF JUSTICE

Sd/-
(Parth Prateem Sahu)
JUDGE