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HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (C) No. 3523 of 2019**

1. Rashi Gupta D/o Shri Ravishankar Gupta, Aged About 18 Years, R/o Village Bramhanpara, Near Railway Station, Belgahna, Tahsil Kota, Bilaspur, Chhattisgarh
2. Renu Rani Tikey D/o Mashih Das Tirkey, Aged About 19 Years, Village Karradarh, Post Office Madguri, Balrampur-Ramanujganj, Chhattisgarh
3. Pratibha Singh Barele D/o Shri S.C. Barele, Aged About 20 Years, R/o Qtr No.4, P & T Colony, Bairan Bazar, Raipur, Chhattisgarh
4. Abhishek Kumar S/o Shri Dinesh Sahu, Aged About 18 Years, R/o Ward No.02, Basin, Balod, District Balod, Chhattisgarh
5. Sujit Sardar S/o Shri Gopal Sarda, Aged About 20 Years, R/o Pakhanjur, Balrampur, District Ramanujganj-Balrampur, Chhattisgarh
6. Khushbu D/o Shri Sevak Ram, Aged About 18 Years, R/o Village Padkibhat, Post Mohara, Gurur, District Balod, Chhattisgarh
7. Geetu Rathore D/o Shri Dron Kumar Rathore, Aged About 18 Years, R/o Bazar Chowk, Bhaishma, Korba, District Korba, Chhattisgarh
8. Rahul Pal S/o Shri Pushkar Narayan Pal, Aged About 19 Years, R/o Near I.T.I. Gaurela, District Bilaspur, Chhattisgarh

---- Petitioners**Versus**

1. Indira Gandhi Krishi Vishwavidyalaya Through Its Registrar, Krishak Nagar, Raipur, 492012, Chhattisgarh
2. The Chairman, Counseling Committee, Indira Gandhi Krishi Vishwavidyalaya, Krishak Nagar, Raipur, 492012, Chhattisgarh
3. Rani Durgawati College Of Horticulture Meduka, Pendra Road, Bilaspur, Chhattisgarh

---- Respondents

For Petitioners	:	Mr. Kshitij Sharma, Advocate
For Respondents 1 & 2	:	Mr. Shashank Thakur, Advocate

Hon'ble Shri Justice P. Sam Koshy

Order On Board

06.12.2019

1. The present writ petition has been filed by the petitioners who had aspired for getting admission in B.Sc. (Horticulture) Degree Course under respondent no.1.
2. The petitioners had participated in Pre-Agricultural Test 2019. They had all the minimum eligibility criteria required for admission in the aforementioned degree course. The University had framed Admission Rules of 2019 and laid down detailed guidelines/regulations so far as conducting the process of admission is concerned.
3. Since the petitioners had all the eligibility criteria and had also participated in the PAT examination, 2019, they got themselves registered for the counseling to be conducted and it was done by way of on line registration. After the first, second and third round of counseling was over, the petitioners could not get admission as there were more meritorious candidates available during the counseling. However, under the guidelines, there was a system of filling up the balance vacant seats by way of "Spot Counseling". The petitioners could not qualify even through this mechanism. Even after the conclusion of the spot counseling, whatever seats remained unfilled, the same was permitted to be filled up by way of conversion. None of the petitioners could succeed even through this round which led to the

filing of the present writ petition.

4. The main contention of the petitioners is that all the petitioners were present at the premises for the spot counseling and also at the time of conversion round counseling but they were deliberately not considered and were left out without any rhyme or reason in spite of the fact that there were seats still lying vacant with the respondents particularly at respondent no.3 college where the petitioners were interested in getting admission. The further contention of the petitioners is that the respondents have totally mismanaged the entire admission process and that there was totally chaos at the time of admission which has put the petitioners at loss in spite of they having the minimum eligibility criteria and also being available at the college premises for the spot counseling as well as conversion round.
5. According to the petitioners, because of the total mismanagement at the college level, the respondents did not consider the case of the petitioners and have refused to consider them on the ground that the petitioners have not registered themselves for the spot counseling and for the subsequent process of admission. This according to the petitioners, is bad in law, arbitrary and needs to be interfered by this Court with a direction to the respondents to consider the claim of the petitioners against the vacancies still available. According to the petitioners, once the petitioners had already registered at the time of first, second and third round of counseling, after the results of PAT 2019 were declared, there was no requirement of any further registration at the subsequent stages and therefore, the rejection of their candidature on this ground is arbitrary and against the rules and

regulations.

6. Per contra, counsel appearing for the University submits that all the contentions put forth by the petitioners are totally without any basis and are based on assumption and presumption. He submits that the entire process of admission has been done strictly in accordance with the regulations framed in this regard and none of the respondents have any personal grudge or malice against the petitioners for depriving them their right of admission.
7. So far as petitioners 1, 2 & 7 are concerned, according to the counsel for the University, they did not get themselves registered for the spot counseling which was mandatorily required under the regulations. Since the petitioners 1, 2 & 7 had not applied, they could not be considered for admission in the spot counseling round.
8. So far as petitioners 3 4 & 5 are concerned, the contention of the counsel for the University is that though they had applied for spot counseling but could not get admission on merits and in the later stage process of admission i.e. conversion round, these petitioners i.e. petitioner Nos. 3, 4 & 5 were not present, therefore, they could not be considered.
9. So far as petitioners 6 & 8 are concerned, it is the contention of the respondents that petitioners 6 & 8 had appeared at all levels but could not get any seat as they were less meritorious as compared to other candidates present in the counseling.
10. According to the counsel for the University, the guidelines or the regulations specifically reflect that even for the spot counseling, there has to be registration done and which would have to be done at the

premises of the college. Since some of the petitioners failed to register themselves, they are alone to be blamed for that and the University cannot be forced to consider the case of such candidates. Likewise, after being unsuccessful at the spot counseling level, the remaining seats have to be filled up by conversion mode, for which the candidates have to remain present when the seats are released to be filled up. In the instant case, petitioners 3, 4 & 5 were not available when after the spot counseling, the conversion round admission started and therefore, the candidates did not get admission under this process. So far as the petitioners 6 & 8 are concerned, according to the counsel for the University, since they were less meritorious than the other candidates present, they could not get the benefit and therefore, the action on the part of the respondents cannot be said to the contrary to the rules and regulations and there is no merit on the claim of the petitioners and prayed for rejection of the writ petition.

11. Having heard the contentions put forth on either side and on perusal of the record, the regulations governing the filed clearly reflect that there had to be registration required at the college premises for spot counseling. Admittedly, the petitioners 1, 2 & 7 did not get themselves registered or were not found registered and therefore, they could not be considered for admission.

12. The argument of the petitioners 1, 2 & 7 that there was no requirement for registration at the stage of spot counseling as there was only one registration required that was at the time of first, second & third round of counseling, again is not sustainable for the reason that the petitioners themselves in their writ petition have admitted the fact

that because of chaos and confusion, registration at the time of spot counseling could not be done.

- 13.** So far as the other petitioners are concerned, there is no strong cogent material brought on record to rebut the contention put forth by the University that petitioners 3, 4 & 5 though had applied for the spot counseling but could not succeed on the ground of being less meritorious and since they were not present in the conversion round, their candidature could not be considered thereafter. This fact being un rebutted diminishes the claim of the petitioners 3, 4 & 5 also.
- 14.** As regards the case of petitioners 6 & 8 who in spite of being present at all the stages of admission, on account of being less meritorious could not get a seat, there is again no strong and cogent material to disprove the contention of the University.
- 15.** Merely because the petitioners had participated in the admission process and were also present in the college premises on the date of the counseling and again on Spot Counseling and conversion round by itself would not be sufficient to hold that they would become eligible for being considered for admission automatically unless they fulfill and complete the requisite formalities as are required. If there is a requirement of registration at the level of spot counseling and all the other students can get themselves registered, there is no reason to believe that the petitioners should be considered even if they do not get themselves registered.
- 16.** Likewise, in the case of spot counseling if the college authorities as is the usual practice requires a candidate to wait till all the seats are filled up, only because someone had participated in the conversion

round and was available in the college premises would not be sufficient for getting the admission, unless the candidate or for that matter the petitioners remain present till the last.

17. In other words, as is the practice, after the spot counseling, the admissions are continued by way of admission of the remaining vacant seats converting as open seats and it is here that all the candidates who have participated in the spot counseling and in the conversion round and could not get the seat, would be considered by virtue of their merits. There is normally no other practice adopted except for the requirement of the student interested for the seat to stay back till the last seat is filled up. In the event, the student merely remaining present in the conversion round and thereafter leaving the premises hoping the institution or the management to call such candidate for consideration is not what is expected. That under such circumstances, if the petitioners have not completed the formalities and at the same time, if they remain present for some time and do not remain present at the college till the last seat is filled up or if they leave the premises and in the circumstances, somebody else who was present in the college premises though with a lesser mark, would be given preference for admission. Thus, in the given circumstances, this Court does not find any strong case made out by the petitioners for issuance of any writ.

18. In addition, the counsel for the University also makes a categorical statement on instruction from the respondents that as on date, there are no seats left vacant and all the seats have been filled up by adopting the procedure provided under the regulations.

19. Given the said categorical statement by the University to which

there is no strong valid proof or evidence to disprove the contentions, this Court finds it difficult to allow the petition or allow the petitioners to be admitted in the course particularly when the respondents themselves say that all the seats stand filled up.

20. For the aforesaid reasons, the writ petition fails and is accordingly dismissed.

**Sd/-
P. Sam Koshy
Judge**