

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 3582 of 2019

Manish Binjwar S/o Shri Santram Binjwar Aged About 20 Years
R/o House No. 18, Street No. 4, Govind Nagar, Near Sirgitti,
Bilaspur, District Bilaspur, Chhattisgarh.
--- **Petitioner**

Versus

1. Chhattisgarh Swami Vivekanand Technical Education (CSVTU) through its Director, Chhattisgarh Swami Vivekanand Technical Education Bhilai, District Durg, Chhattisgarh
2. State of Chhattisgarh through Directorate of Technical Education, through the Director, 3rd Block, 3rd Floor, Indrawati Bhawan, Atal Nagar, District Raipur Chhattisgarh. ----- **Respondents**

For the Petitioner	: Mr. Palash Tiwari, Advocate
For the respondent/No.1	: Mr. Anumeh Shrivastava, Advocate
For the State	: Mrs. Richa Shukla, Dy. Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

03-10-2019

1. In this writ petition filed under Article 226 of the Constitution of India, the petitioner seeks admission to the 3rd semester of B.E., (2nd year) in the College affiliated to Respondent University
2. The petitioner has prosecuted his studies in engineering diploma after passing out Xth class. The duration of diploma course is 3 years and after passing the diploma, the student can directly get into admission to B.E. 3rd semester. Learned counsel for the petitioner refers to the document and would submit that he has passed out his diploma for two consecutive years and when the 3rd year result was declared on 12th July, 2019 he was shown to

be failed in two subjects as he got 33 marks out of 100 in Quantity Surveying & Costing-II and 28 marks out of 100 in Structural Design & Drafting-II. Since the revaluation was allowed, an application was filed for revaluation. The revaluation result was declared on 12th of August, 2019 wherein the the number of marks has increased from 33 to 34 in Quantity Surveying & Costing-II whereas in Structural Design & Drafting II, the number of marks 28 remained the same. Against such revaluation, the mode of re-revaluation was applied which is permissible and the University also carried out the re-revaluation. On such re-revaluation, the number of marks obtained in Quantity Surveying & Costing-II got increased from 34 to 45 and in Structural Design & Drafting -II, the number of marks got increased from 28 to 66.

3. It is stated that the petitioner cannot be faulted as his original status to get a number on a certain merit list was finally affirmed by re-revaluation of the 3rd time which should have got at the first instance. It is further stated that since the last date of admission to the B.E., Course was closed on 15th August, 2019 as per the instructions of the director of Technical Education, Chhattisgarh, the petitioner is denied the admission. It is further submitted that the re-revaluation results were declared on 18.09.2019 and because of fault which continued at the end of the respondent, the merit of the petitioner cannot be ascertained at first instance and finally on re-revaluation the result would surface and is final. He submits that the petitioner was not at any fault, therefore, the barrier of 15th August, 2019 as the last date of admission would not be applicable and the result would relate back to the original date of declaration of result i.e., 12th July, 2019 and the petitioner should be allowed to get into the stream of of B.E., Learned

counsel relies on similar judgment passed by the co-ordinate Bench of this Court in WPC No.3069/2018 decided on 31.10.2018.

4. Mr. Anumesh Shrivastava, Advocate, appearing on behalf of respondent No.1 University on advance copy would submit that the the admission to the engineering courses was closed on 15th August, 2019 and since the result of the petitioner was declared after the cut off date, consequently, he could not be admitted.
5. Heard learned counsel for the parties and perused the documents. It appears that initially the petitioner was declared failed in two subjects i.e., in Quantity Surveying & Costing-II and Structural Design & Drafting-II wherein he was given 33 marks and 28 marks respectively out of 100. Thereafter, the petitioner applied for revaluation. In the revaluation, 33 marks was increased by one number thereby it became 34 in the subject of Quantity Surveying & Costing-II whereas 28 marks given in Structural Design & Drafting-II remained the same. However, in the re-revaluation as per Annexure P-3, the number of marks 34 given in Quantity Surveying & Costing-II has been increased to 45 and in Structural Design & Drafting-II the number of marks 28 has been increased to 66. The merit of the student which was finally evaluated by re-revaluation shows that considerable increase was made in the number of marks. Had it been declared at the first instance of the declaration of result on 12th July, 2019, the barrier to get admission into the stream of engineering would have not been there. Therefore, the re-revaluation being the part of result, it would relate back to the original date of result so as to judge the merit of the student.
6. Consequently, as has been held by the co-ordinate Bench of this

Court, I am also inclined to adjudicate the issue in hand on similar footing as in the facts and circumstances of the case, the equity jurisdiction of the Court would come to the rescue of the present petitioner. Therefore, this writ petition deserves to be disposed of in the following terms :

7. The respondents 1 & 2 shall 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, the petitioner shall be granted admission to B.E (3rd semester) in suitable college. Since the academic session has already started the aforesaid exercise may be carried out within a further period of 3 weeks.

Sd/-

(Goutam Bhaduri)
Judge