

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**REVP No. 211 of 2019**

- Shreya Soni S/o Shri Yatindra Kumar Soni, Aged About 26 Years Zone-2 Street-6c, New Adarsh Nagar, Durg, Near Kamla Cottage, Tahsil and District Durg Chhattisgarh.

---- Petitioner**Versus**

1. Principal, Government Ayurved College Great Eastern Road, Raipur, Tahsil and District Raipur Chhattisgarh.
2. State of Chhattisgarh Through Its Principal Secretary/ Secretary, Department of Higher Education, Govt. of Chhattisgarh, Mantralaya, Naya Raipur, Capital Complex, Tahsil Raipur, District Raipur Chhattisgarh.
3. Union of India Through Its Joint Secretary, Department of Higher Education, Shastri Bhawan, New Delhi 110001.
4. Pandit Deendayal Upadhyay Memorial Health Sciences and Ayush University of Chhattisgarh Through Its Registrar, Sector-40, Uparwara, Atal Nagar, Raipur Chhattisgarh.

---- Respondent

For Petitioners : Shri Suryapratap Yudhveer Singh, Advocate
 For State : Shri Vikram Sharma, Dy. Govt. Advocate.

Hon'ble Shri P. R. Ramchandra Menon, CJ
Hon'ble Shri Parth Prateem Sahu, J

Order On Board**Per P.R. Ramchandra Menon, CJ;****24/10/2019**

1. Writ petition seeking for a direction to the respondents to consider the petitioner's case and allow her to join the post-graduation course if she succeeds in counselling/merit, came up for consideration before this Court on the day before

yesterday when a submission was made across the Bar that by the passage of time the matter had become infructuous and accordingly it was dismissed as infructuous.

2. Today, the present review petition has been filed pointing out that the submission, as above, was made since the last round of mop-up exercise was over; but yesterday, i.e. on 23.10.2019, a Circular has been issued by the authorities concerned to the effect that the last date for counselling and admission would stand extended upto 30.10.2019, virtually providing a 'third round' of mop-up exercise. This made the petitioner to approach this Court, seeking the error apparent on the face of record to be rectified.
3. We have heard both the sides. The learned counsel representing the State submits that there is no error apparent on the face of record as the present cause of action is with reference to a subsequent event i.e. dated 23.10.2019, when the new Circular was issued as to the third mop-up exercise and hence the review petition is not maintainable.
4. With regard to the merits, learned counsel for the State submits that the last date for receipt of application was 13.9.2019. The application of the petitioner was entrusted to the Courier of choice of the petitioner, to be served to the respondent concerned only on 11.9.2019 and it had not reached the hands of the respondents on time; by virtue of which no lapse or fault could be alleged on their part.

5. Learned counsel for the State further submits that present Circular has been issued extending time to have 'third mop-up counselling' to be held on 30.10.2019, only in respect of the candidates who have submitted their applications well within the time i.e. on or before 13.9.2019. He submits that the application sent by the petitioner through Courier has not reached the hands of the respondents even as on date and reportedly the same has been returned to the petitioner.
6. Learned counsel for the review petitioner concedes that, since the application was not accepted by the respondents, it has been returned to the petitioner.
7. The gist of the above discussion reveals that no application of the petitioner is pending with the respondents as on date for being caused to be considered in the third mop-up round. In the said circumstance, we are of the view that there is no merit in the review petition. It stands dismissed accordingly.

Sd/-
(P.R. Ramchandra Menon)
Chief Justice

Sd/-
(Parth Prateem Sahu)
Judge

roshan/-