

**HIGH COURT OF CHHATTISGARH AT BILASPUR**

**Writ Petition (C) No. 2213 of 2020**

Anjali Raghuwanshi W/o Shri Deepak Raghuwanshi, Aged About 29 Years  
R/o Flat No. 403, A - Block, VIP City, Saddu, Police Station - Vidhan  
Sabha, Raipur, District Raipur (Chhattisgarh).

**---Petitioner(s)**

**Versus**

1. Union of India Through The Secretary, Department of Higher Education, Ministry of Human Resource and Development, Room No. 105, D Wing, Shastri Bhawan, New Delhi – 110001.
2. Indira Gandhi National Open University, Through The Vice Chancellor, Maidan Garhi, New Delhi – 110068.
3. The Registrar (Student Evaluation Division), IGNOU, Maiden Garhi, New Delhi – 110068.
4. Staff Selection Commission, Through The Chairman, Block No. - 12, CGO Complex, Lodhi Road, new Delhi – 110003.

**---Respondents**

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| For Petitioner      | : | Shri Tridip Bhattacharya, Advocate.                             |
| For Respondent No.1 | : | Shri Sharad Mishra on behalf of Shri Ramakant Mishra, Advocate. |

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**Hon'ble Shri Justice P. Sam Koshy**

**Order on Board**

**29.09.2020**

1. The petitioner through the present writ petition has prayed for the following reliefs :

10.1. To call for the entire records pertaining to the case of the petitioner for kind perusal of the Hon'ble Court.

10.2. That, this Hon'ble Court may kindly be pleased to direct the respondent University to declare the petitioner eligible to participate in the TEE PGDT Examination scheduled to take place on 09.10.2020 (PGDT-I), 10.10.2020 (PGDT-II), 12.10.2020 (PGDT-III) and 13.10.2020 (PGDT-IV) in the interest of justice.

10.3. That, this Hon'ble Court may kindly be pleased to direct the respondent University to consider the case of the petitioner with sympathetic grounds, being medically unfit and because of the prevalence of Covid-19 pandemic and declare the petitioner eligible to participate in the TEE PGDT Examination scheduled to take place on 09.10.2020, 10.10.2020 (PGDT-II),

12.10.2020 (PGDT-III) and 13.10.2020 (PGDT-IV) in the interest of justice.

10.4. That, this Hon'ble Court may kindly be pleased to direct the respondent University to conclude the examination schedule to be held in the month of December with results before 01.01.2021, in the interest of justice.

10.5. That, this Hon'ble Court may kindly be pleased to direct the respondent No.4 Staff Selection Commission to consider the case of the petitioner with sympathetic grounds, being medically unfit and because of the prevalence of Covid-19 pandemic and consider her candidature for SSC JHT, 2020, in the interest of justice.

10.6. That, this Hon'ble Court may kindly be pleased to direct the respondent No.4 Staff Selection Commission to consider extension of cut off date from 01.01.2021 for selection in SSC JHT, 2020.

10.7. That, this Hon'ble Court may kindly be pleased to grant any other relief which may deem fit and proper in the given facts and circumstances of the instant case.”

2. Brief facts relevant for the adjudication of the present writ petition is that, the petitioner has taken an admission for the Post Graduate Diploma Course in Translation under the respondents No.2&3. The notice for participating in the examination was initially published somewhere in the month of February-March, 2020 and the examination forms were to be filled up between 11.03.2020 to 31.03.2020 without any late fees. The said period was further extended because of the impact of Covid-19 pandemic and this time the respondents extended the time for filling up of the examination forms from 01.04.2020 to 31.07.2020. The petitioner is said to have not been able to fill up her examination form during these period and now the respondents have proceeded further to conduct the examination from 09.10.2020 onwards which has led to the filing of the present writ

petition with prayers sought for which is reflected in the preceding paragraph.

- 3.** The contention of the petitioner was that because of Covid-19 pandemic and the periodical lock down that were imposed, coupled with the fact that the petitioner had some medical ailment for which the petitioner has furnished Annexure P/1 medical certificate to substantiate the same, she could not fill up her examination form in time. The contention of the petitioner was that even if for some reason the petitioner was unable to fill up the forms within the stipulated period, in the larger interest of justice and also taking into consideration a sympathetic approach and also considering the fact that it is a question of career of the petitioner, the respondents should have considered the request of the petitioner and permitted her to participate in the examination that is to be conducted in the month of October, 2020 so far as Post Graduate Diploma in Translation is concerned. The counsel for the petitioner referred to a couple of interim orders passed by the Rajasthan High Court.
- 4.** According to the petitioner, if she is not permitted to participate in the examination at this juncture, she may infact loose her chance for proper employment at a later stage as she may get age barred by the time next advertisement is issued. That is the reason why the petitioner has sought for appropriate relief in this regard from the respondent No.4-Staff Selection Commission (SSC) also. The upper age limit for participation in the recruitment conducted by the SSC is 30 years and the petitioner being 29 years as of now will not be eligible to participate in any further recruitment process initiated.
- 5.** It was also the contention of the petitioner that the action on the part of the respondents is also bad for the reason that the last date for filling up of the

form did not contain submission of the forms after the last date on payment of late fees which is usually there and it was also there in the previous years.

6. Having heard the contentions put forth on behalf of the petitioner and on perusal of the pleadings what is necessarily to be seen is the fact that the petitioner is a 29 years old grown up major person. She is undertaking her Post Graduate Diploma course and was pursuing it under the respondents No.2&3. The respondents had issued a notice asking all those persons interested for appearing in the Term End Examination (TEE) to fill up the examination forms within the period from 11.03.2020 to 31.03.2020. The petitioner during the said period for reasons best known did not fill up the form. However, because of the impact of Covid-19 situation the respondents foreseeing the fact that they would not be in a position to take examination immediately, extended the time to fill up the forms by a further period of three months from 01.04.2020 to 31.07.2020. Even during this extended period of three months the petitioner did not fill up the forms and much after the last date for filling up of the forms was over, the petitioner has come up with the present writ petition seeking for a chance now to appear and participate in the examination.
7. The examinations conducted by the University requires great element of physical and administrative exercise which cannot be taken lightly. Nor can the examination procedure and patterns be taken lightly. A simple deviation from the schedule fixed by the authorities creates a big difference and it also gives rise of another complete set of exercise and effort. It is for this reason that the authorities publish a notice in advance giving sufficient time for the candidates to fill up the forms in advance so

that necessary administrative exercise and efforts required can be done well in time ensuring smooth conduct of the examination.

- 8.** In the facts of the present case, the initial date for filling up of the forms published was between 11.03.2020 to 31.03.2020 but the petitioner did not avail this opportunity. Luckily, because of the impact of Covid-19 the last date got extended for a further period of four months starting from 01.04.2020 to 31.07.2020. Thus, the petitioner had an opportunity if she was keen and interested to fill up the forms within a period of four months time. Four months time is a considerable long period of time for any person to fill up the form. Under no stretch of imagination can this period of four months time for filling up of the examination form for a particular year be considered to be too short a period which require a sympathetic consideration. There was sufficient and ample period of time available for the petitioner to fill up the form. If the petitioner for any reason voluntarily does not act prudently and promptly, it is the petitioner alone who is supposed to be blamed.
- 9.** Another reason which requires consideration is as to what was the strong and compelling reasons with which the petitioner could not fill up the form. The only document in support of her contention is Annexure P/1 which is a medical certificate and where the Doctor has advised rest to the petitioner from 28.06.2020 onward. This in other words means the petitioner herself till 28.06.2020 had about three months time at her disposal to fill up the form which she did not avail. Even beyond 28.06.2020 there is no strong ground available or any such serious ailment depicted wherein she could even not fill up her forms during this period. All that was required was to fill up the form and it was not participation in the examination.

**10.** The aforesaid facts really forces this court to infer that the petitioner has now filed the writ petition when she came to know about the fact that the examinations are to be conducted in the month of October, 2020 and now she can take a chance by participating in the examination, it appears that she was not either interested or prepared to participate when the first notice for filling up of the examination form was published and which was also later extended up till 31.07.2020.

**11.** It is well settled that High Court in exercise of its discretion does not ordinarily assist the tardy and the indolent or the acquiescent and the lethargic as the belated approach may have the effect of inflicting not only hardship as inconvenience but also injustice on third parties.

**12.** The Supreme Court in case of State of Madhya Pradesh & Others Vs. Nandlal Jaiswal and Others, 1986 (4)SCC 566, paragraph 24 it has been held that :-

“it is well settled that the power of the High Court to issue an appropriate writ under Article 226 of the Constitution is discretionary and the High Court in the exercise of its discretion does not ordinarily assist the tardy and the indolent or the acquiescent and the lethargic. The High Court does not ordinarily permit a belated resort to the extraordinary remedy under the writ jurisdiction because it is likely to cause confusion and public inconvenience and bring in its train new injustices.”

**13.** Under Article 226 of the Constitution while the High Court exercises a discretionary power, it is a settled position of law that the High Court cannot and should not entertain a petition with delay without there being tangible explanation provided by the petitioner. From the factual matrix of

the present case and the pleadings available on record there does not seem to be any prompt, tangible and plausible explanation to justify the petitioner by which she could not fill up the examination form.

**14.** The writ petition therefore being devoid of merit deserves to be and is accordingly dismissed.

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

inder