

**HIGH COURT OF CHHATTISGARH AT BILASPUR**

**WRIT PETITION (C) No. 2683 of 2020**

Smt. Ritu Rani Mehar W/o Gangadhar Mehar, Aged About 40 Years  
Presently Working As Lecturer ( L.B.) At Govt. High School, Supa, Block  
Pussour, District Raigarh Chhattisgarh.

**---Petitioner(s)**

**Versus**

1. State of Chhattisgarh Through The Secretary, Higher Education Department, Mahanadi Bhawan, Mantralaya, Naya Raipur, District Raipur Chhattisgarh.
2. National Council For Teachers Education Through Its Secretary, National Council For Teachers Education, G-7, Sector 10, Dwarka, Near Metro Station, New Delhi 110075.
3. State Council of Educational Research and Training, Chhattisgarh Through Its Chairman, State Council of Educational Research And Training, Chhattisgarh, Shankar Nagar, Raipur Chhattisgarh.
4. Pt. Sundarlal Sharma (Open) University, Chhattisgarh Bilaspur, An Univesity Established By The C.G. Government Through Its Registrar, Pt. Sundarlal Sharma (Open) University, Chhattisgarh Bilaspur Koni- Birkona Marg, Bilaspur 495009 Chhattisgarh.

**---Respondents**

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|---------------------|---|----------------------------------------------------------------------------|
| For Petitioner      | : | Shri C Jayant K Rao, Advocate.                                             |
| For State           | : | Shri Vivek Ranjan Tiwari, Addl. A.G.<br>and Shri Mateen Siddique, Dy. A.G. |
| For Respondent No.4 | : | Shri Neeraj Choubey, Advocate.                                             |

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

**Order on Board**

**04.11.2020**

1. The grievance of the petitioner in the present writ petition is the action on the part of the respondent No.4 whereby the respondents have prepared the merit list of the admission to the B.Ed Course under the distance mode.
2. The contention of the petitioner is that initially the University had decided to grant admission as per the prevailing mechanism by conducting an entrance examination. The notifications for the examination were published. The date of examination also was published and was extended on a couple of occasions because of the surging Covid-19 Pandemic.

Subsequently, the State vide order dated 23.07.2020 decided to cancel the examination and thereafter the University authorities took a decision to grant admission to the B.Ed Course on the basis of the marks obtained under the Under Graduate Course as also in the PG Course. The candidates had to specifically opt for considering their merit inasmuch as they had to opt whether they wanted their merit to be considered on the basis of the marks that they have scored in the under graduation course or they would opt for their marks to be considered for preparation of merits on the basis of percentage scored in the PG course.

3. The petitioner in the instant case has opted for being considered under both the categories i.e. on the basis of the marks scored in the under graduation course as well as in the PG course. Now the petitioner realizes that the authorities have considered the merit list of the petitioner on the basis of the marks that she has obtained in her under graduation course and in the process few candidates who have not done well in the under graduation course but who have done relatively better in the PG course and who have opted for being considered under the PG course being placed over and above the petitioner in the merit list. Thereby, the chance of the petitioner is getting adversely affected.
4. At this juncture, the counsel for the respondent No.4-University submits that there were two chances available for the petitioner for upgrading her option and inspite of the two opportunities being granted to the petitioner she did not avail the benefit. It was the further objection that the University had taken was that the petitioner also has a remedy of preferring an appeal to the Vice Chancellor. That also the petitioner has not availed and if the petitioner would had preferred an appeal there were all likelihood that the petitioner's appeal would had been considered.

5. Be that as it may, since it is a question involving the career of a student and it is not that the petitioner is not eligible or not meritorious. All that the petitioner wants is that she be given due weightage on the percentage of marks that she has obtained in the PG course enabling her to remain the race for admission to the B.Ed. Course.
6. Considering the fact that there is a provision of an appeal and also taking note of the fact that only a short period of time is left for finalization of the list, the petitioner herein is directed to prefer an appeal to the Vice Chancellor by tomorrow i.e. 05.11.2020. The petitioner also in the appeal shall specifically request for an option for considering the merit of the petitioner based upon the marks scored in PG course and may also request for upgrading of the merit list accordingly.
7. Subject to the petitioner's filing an appeal by tomorrow, the Vice Chancellor is requested and expected to take a decision on the same at the earliest before the final list for admission is prepared or else the respondent-University shall keep one seat vacant in the category to which the petitioner has applied till the appeal of the petitioner is finally decided.
8. The writ petition accordingly stands disposed of.

Certified Copy today.

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