

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 2694 of 2020**

Atharva Tripathi S/o Shri Lokesh Tripathi Aged About 21 Years R/o Qr. No. 2/b, Street- Npa, Sector- 05, Bhilai, Tahsil- Durg, District- Durg, Chhattisgarh
---- Petitioner

Versus

1. State of Chhattisgarh through The Secretary, School Education Department, Nawa Raipur, Atal Nagar, Mahanadi Bhawan, Raipur, District Raipur Chhattisgarh
2. Union of India Through The Secretary, Department Of Tourism, 1st Floor, Transport Bhawan, 1 Parliament Street, New Delhi, E-Mail- Sectour@Nic.In
3. Chhattisgarh Board Of Secondary Education, Raipur (Cgbse) Through The Secretary, Vivekanand Nagar, Janta Colony, Raipur, District- Raipur, Chhattisgarh, 492001. E-Mail. Secg-Psc.Cg@Gov.In
4. Institute Of Hotel Management, Ahmedabad Through The Principal, Between Koba Circle And Infocity Road, Bhajipura Patia, P.O. Koba. District- Gandhinagar- 382426, (Gujarat). E-Mail.- Principal@Ihmahmedabad.Com
5. National Council For Hotel Management And Catering Technology Through Its Secretary, A-34, Sector-62, Noida-201309. E-Mail. Diraf-Nchm@Nic.In
6. National Testing Agency Through The Secretary, C-20 1a/8, Sector 62 litk Outreach Centre, Noida-201309. E-Mail. Genadmin@Nic.In ----

Respondents

For the Petitioner	: Mr. Prateek Sharma, Advocate
For the State/Respondents	: Mr. Gagan Tiwari, Dy. Govt. Advocate.
For respondents 2, 4 & 5	: Mr. Ramakant Mishra, Advocate
For respondent No.3	: Mr. Animesh Tiwari, Advocate
For respondent No.6	: Mr. P. R. Patankar, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

26-11-2020

1. Learned counsel for the petitioner would submit that the petitioner appeared in the entrance examination of Hotel Management Course conducted by the National Council for Hotel Management and Catering Technology (for short

“NCHMCT”) and he was selected. Thereafter he got admission into the first semester. Incidentally, the petitioner is required to clear the supplementary examination of math subject of 12th Class and after clearing the said examination, he was required to submit the marks sheet of 12th Class. It is contented that the last date for submitting the mark sheet is fixed as 30.11.2020 and due to prevalence of Pandemic situation the supplementary examination of 12th could not be held as scheduled from 20th of November and now as per the new schedule, the maths examination is going to be held on 03.12.2020 whereas the respondent National Counsel for Hotel Management by letter dated 23rd Sept. 2020 insisted to submit the requisite qualification by 30th November, 2020. He submits that the petitioner cannot be held liable for the delay of exams and prays that the last date for submission of requisite certificate may be extended with respect to the petitioner till the results are declared.

2. Counsel for respondent nos. 2, 4 & 5 would submit that considering the pandemic situation, the resolution was passed by the NCHMCT vide Letter dt. 23.09.2020 extending the time to file the requisite certificate on or before 30.11.2020, failing which admission shall stand cancelled.
3. Perused the resolution passed by the NCHMCT on 23.09.2020, the relevant portion of which, reads as under :

“10+2 system of Senior Secondary examination or its equivalent with English as one of the subjects. Candidates must have passed English as a subject of study (core/elective/functional) in the qualifying examination. Those appearing in 10+2 or equivalent examination can also appear in NCHM JEE 2020 on provisional basis. Provisional admission will stand cancelled if proof of having passed the qualifying examination (10+2 or its equivalent) is not submitted at the time of counselling or at the time of admission or latest by 30.11.2020.

The offer of admission is subject to verification of original certificates/ documents at the time of admission. If any candidate is found ineligible at a later date even after admission to an institute, his/her admission will stand cancelled.”

This issues with the approval of competent authority of NCHMCT.

4. Prima facie the consideration of the issue would show that because of the Pandemic and lock-down, supplementary examination for 12th could not be held as per the time schedule and now it is being delayed, as such, the supplementary examination is going to be held from 28th November as per

the reschedule and as stated by learned counsel, the examination of maths would fall on 03.12.2020. As per the resolution of MCHNCT, the last date for submission of certificate has been fixed as 30th November 2020 and as per the reschedule, the supplementary examination of maths subject is going to be held on 03.12.2020. Thus if the marks sheet of 12th will not be produced by 30th Nov. 2020 which is the dead-line, the petitioner's admission to Hotel Management Course would stand automatically cancelled. The inevitable delay in holding the exam is treated to be the natural consequence of extraordinary situation arising out of COVID-19 Pandemic and lock-down, therefore, the petitioner cannot be held liable for no fault.

5. Thus considering the fact that the petitioner has already got admission in Hotel Management Course (1st semester) and is pursuing the studies and further having regard to the submission that due to pandemic situation, the examinations are being delayed and as per the reschedule, the petitioner is going to appear the supplementary examination of maths on 03.12.2020, it is directed that the deadline to submit the pass certificate of 12th class with respect to the petitioner shall be considered till the result of the petitioner is declared.
6. This writ petition stands finally disposed of with the above direction/ observations.

Sd/-

**GOUTAM BHADURI
JUDGE**