

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (C) No. 2717 of 2020**

Shruti Gandharla D/o Shri Nandkishor Gandharla, Aged About 17 Years (The Petitioner Being Under 18 Years Of Age & Thus Being A Minor She Is Filing Petition Through Her Father And Natural Guardian Namely Nandkishor Gandharla S/o G. Malaram, Aged About 38 Years), Both Presently Residing At Dipo Para, Ward No. 5, Gauravpath Road, Bijapur, Police Station Bijapur, Tahsil And District Bijapur, (C.G.) Permanent Address- Village- Papanpal, Police Station Toyenar, Tahsil And District Bijapur, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through -The Secretary, Department Of Agriculture And Bio-Technology, Govt. Of Chhattisgarh, Mahanadi Bhavan, Post Office Rakhi, Naya Raipur, District Raipur, Chhattisgarh
2. Indira Gandhi Agriculture University Through Its Registrar, Raipur, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. M.P.S. Bhatia, Advocate
For Respondent no.1	:	Mr. Sudeep Verma, Dy. Govt. Advocate
For Respondent no.2	:	Mr. Shashank Thakur, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****06.11.2020**

1. The present writ petition has been filed alleging the inaction on the part of the respondents in not considering the claim of the petitioner for admission to B.Sc. Agriculture (Hon.) course for the academic session 2020-21.
2. The contention of the learned counsel for the petitioner is that the claim

of the petitioner was ignored on the ground that she does not have a proper certificate issued by a competent authority certifying that she is entitled for the benefit of reservation as is provided for a Naxalite affected person. The further contention of the petitioner is that from the list that has been published by the University it reflects that there are students in the open category with 62.67% getting admission and the petitioner has much more percentage of marks than those students, therefore, under the open category on the merits also, the petitioner has a better claim for admission. Counsel for the petitioner submits that the petitioner has made repeated representations with the respondents which are still pending consideration without being processed and on the other hand the respondent authorities are continuing with the counselling proceedings and there is an apprehension of the admission process being completed very soon.

3. Learned counsel appearing for the respondent no.2, on the other hand, submits that as per the rules for admission for the year 2020-21, though there is a reservation for naxalite affected persons, the requirement is that the student should be the son or the daughter of a person who has expired in Naxalite attack. According to the counsel for the University, the certificate which the petitioner is relying upon is that of her grand-father and not that of her father or mother which would be one of the hurdles which the petitioner may have. He further submits that in the instant case, the claim of the petitioner to be a Naxalite affected person is on the injury that her grand-father had suffered in a Naxalite attack and who is very much alive therefore also, the petitioner may get excluded from the category of Naxalite affected persons. As regards granting of admission to some students who have

scored less percentage of marks than the petitioner, learned counsel for the University fairly conceded that the said aspect would have to be verified from the record and compared with that of the petitioner.

4. Be that as it may, since the counselling process is still going on and the petitioner's representation is still pending consideration before the respondent no.2, ends of justice would meet if the writ petition is disposed of at this juncture directing the respondent no.2 or the Vice Chancellor, as the case may be, to consider and decide the representation of the petitioner taking into consideration the merits of the petitioner as compared to the candidates alleged to have been granted admission with less merits. It is expected that the respondent no.2 or the Vice Chancellor, as the case may be, shall take a decision in this regard within a period of 3 days from today so that in case the petitioner gets an order in her favour, she may be selected for admission for the year 2020-21.
5. It is made clear that the respondent no.2 or the Vice Chancellor, as the case may be, shall also consider the claim of the petitioner on the aspect of reservation for Naxalite affected persons as also against the merits as claimed for by the petitioner.
6. With the aforesaid direction, the writ petition stands disposed of.

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