

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 2937 of 2020

1. Parag Gardia S/o Anil Gardia Aged About 30 Years R/o Dhebarcity, House No. C- 8/11, Bhatagoan, Raipur Chhattisgarh.
2. Neelkanth Matawle S/o Shri Moharat Ram Matawle Aged About 29 Years R/o Village Chaitra, Post Fingeshwar Tahsil Rajim, District Gariyaband Chhattisgarh.
3. Sibtain Raza S/o Mohammad Hasim Aged About 38 Years R/o Balmiki Avaskabir Nagar, Raipur Chhattisgarh.
4. Ranjana Thakur D/o Late Shri Basant Kumar Thakur Aged About 34 Years R/o D.K. Hospita Qr. Line Kali Badichowk, District Raipur Chhattisgarh.
5. Khuman Kurre S/o Nakul Ram Kurrew Aged About 29 Years R/o Rajim District Gariyaband Chhattisgarh.
6. Ritu Rajput D/o Shri Chandrika Singh Rajput Aged About 29 Years R/o Bhimnagar, Ashwaninagar Mahadevghat Road, Raipur Chhattisgarh.
7. Amarlal Premchandani S/o Gokuldas Premchandani Aged About 35 Years R/o House No. R/144, Maharanpratap Udyan, Shyamnagar, District Raipur Chhattisgarh.
8. Pramod Pandey S/o Motilal Pandey Aged About 26 Years R/o Ward No. 4, Mararparagulli, Gunderdehi, District Balod Chhattisgarh.
9. Vivek Yadav S/o Surajdev Yadav Aged About 30 Years R/o House No. 02, Bazarpara, Wadrafnagar, Pandari Wadrafnagar District Surguja Chhattisgarh.
10. Kalpana Suryavanshi D/o Milau Ram Suryavanshi Aged About 37 Years R/o Rest House, Banglapara Narayanpur, District Narayanpur Chhattisgarh.
11. Surbhi Soni D/o Gajendra Soni Aged About 26 Years R/o House No. 40 Ayodhya Nagar, Beside Electricity Office New Changorabhata District Raipur Chhattisgarh.
12. Kaushal Kishor S/o K.K. Chaudhary Aged About 49 Years R/o A-25 Chugani Near Ring Road, Changorabhata District Raipur Chhattisgarh.
13. Suman Yadav D/o Basant Kumar Yadav Aged About 26 Years R/o Mahadevghat Road, Near Shani Mandir Ashwaninagar, Suder Nagar District Raipur Chhattisgarh.

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Versus

1. State Of Chhattisgarh Through Secretary, High Education Department Mahanadi Bhawan, Mantralaya, Capital Complex, Atal Nagar, New Raipur District Raipur Chhattisgarh.
2. Pandit Ravishankar Shukla University Through Its Registrar Raipur Chhattisgarh.

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For Petitioners	: Mr. Vivek Mishra, Advocate.
For State/Respondent No.1	: Ms. Richa Shukla, Dy. Govt. Advocate
For University/Respondent No.2	: Mr. Sharad Mishra, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

23.11.2020

Heard

1. The present petition is filed for the following reliefs :

(i) That, this Hon'ble Court may kindly be pleased to issue writ/writs, order/orders, direction/directions to respondent university for considering queries of the petitioner and issue appropriate declaration/direction in relation to course, loss of education year, fees of students pursuing masters of law in academic year 2019-2020 and 2020-2021.

(ii) That, this Hon'ble Court may kindly be pleased to grant any other relief(s), which is deemed fit and proper in the aforesaid facts and circumstances of the case.

2. Learned counsel for the petitioners submits that the petitioners are students of LLM 1st Semester, which started in the year 2019 and the period was uptill 2020-21 i.e. of 4th Semester. The 1st semester examination was scheduled in December 2019, however, this was postponed for the month of March, 2020. Subsequently, because of pandemic situation and lock-down in the month of March 2020, the University was closed and the examination could not be conducted and thereafter the UGC has given the guidelines, which is followed by the State by Annexure P-1 wherein certain guidelines have been framed to follow, whereby the other Universities have followed the guideline to conduct the examination. The counsel further submits that 1st semester examination are being scheduled all of a sudden from 24.11.2020 and because of the intervening holidays of Diwali, all of a sudden, as examination is declared; therefore, it is extremely difficult for the

petitioners to appear in the examination and also they are unaware as to how much course would be covered in the examination. It is further submitted that according to the schedule other semester examination were to be held as on date, petitioners were to pass out the LLM final semester in the month of August, 2021; therefore, if the examination of the 1st semester held as of now, how the other remaining 3 semesters would be held within the time frame. Therefore, the petitioners are to be compensated for that and promotion based on other relevant factors as done by other Universities should be made for the 1st semester.

3. Learned counsel for the respondent No.2, on instructions, would submit that so far as the examinations are concerned, the University has decided not to promote the students by way of general promotion and in any case the examinations are to be conducted. However, as per the instructions, the University may consider to grant breather time to the petitioners. Counsel further submits that all the public at larger have suffered due to pandemic situation, therefore, the petitioners cannot claim the benefit of general promotion or compensation.
4. It appears from the submission of the parties that the petitioners who are students of LLM, their 1st semester examination was initially scheduled in the month of December 2019 but it could not be conducted and postponed to March, 2020. In the month of March again due to pandemic situation and the lock-down, the examination could not be conducted and as of now the examination dates have been announced. It is obvious that all the petitioners including the entire society at large have suffered due to pandemic and lock-down. The petitioners submitted that they may be given general promotion by way of simple method of examination. Meaning thereby it appears that the petitioners wanted to know the question before they appear in the examination. What is the method of

simple examination, I am not able to understand. Specially when the petitioners are to pass out the LLM examination and when University has decided to conduct the 1st semester examination, this Court cannot direct that the examination should be conducted in a particular way on a particular fashion. It is the domain of the University to decide the same, the way and the procedure of examination is the field of expert and this Court can not sit over the academic expertise of University.

5. As it has been submitted that the University is ready to consider to give the breather time to the students, pursuant to it, it is directed that the examination may be conducted and further 3 weeks' time may be given to the petitioners to hold the LLM examination for the 1st semester. So far as compensation is concerned for not holding examination, the respondents cannot be held responsible for the pandemic situation and lock-down. Since the situation emerged due to vis major i.e. the act of God. Therefore, considering the issue in hand, no order for promotion by a simplicitor method of examination can be ordered for however taking into submission made by University that they are ready to consider give a breather time to the students, the University is directed to give further 3 weeks' time to start the examination from today.
6. With the aforesaid observation, the writ petition stands disposed off.

Sd/-
(Goutam Bhaduri)
Judge

Aks