

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 11 of 2019

- Anurag Pandey, S/o Shri Manaharan Lal Pandey, Aged About 38 Years, R/o Village - Jarve, Police Station Baloda, District - Janjgir-Champa Chhattisgarh.

---- Petitioner

Versus

1. State of Chhattisgarh Through - The Secretary Higher Education Department, Indrawati Bhawan, New Mantralaya, Raipur Chhattisgarh., District : Raipur, Chhattisgarh
2. The Registrar Atal Bihari Vajpayee Vishwavidyalaya Bilaspur, District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh
3. The Examination Controller Atal Bihari Vajpayee Vishwavidyalaya Bilaspur, District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh
4. The Principle Thakur Chhedilal P.G. Collage, Janjgir District Janjgir-Champa Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

---- Respondents

For petitioner	:	Mr. Alok Pandey, Advocate.
For State	:	Mrs. Astha Shukla, Panel Lawyer.
For Respondent 2 & 3	:	Mr. Neeraj Choubey, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

11/11/2021

1. Heard.
2. It is submitted by the counsel for petitioner that petitioner was student of course of Bachelor of Law pursuing his study of Thakur Chhedilal P.G. College, Janjgir District-Janjgir-Champa. The petitioner could not secure requisite 50% aggregate marks in the 1st Semester examination, because of which he was declared failed in the result of 1st Semester. After appearing in the A.T.K.T. examination, the petitioner has secured total 49.2% marks in the 1st Semester.

3. It is submitted that the notification dated 31.5.2017 has been issued by Atal Bihari Bajpai Vishwavidyalaya, Bilaspur, in which, the minimum passing marks have been reduced to 48% aggregate. The petitioner appeared in the 1st Semester examination in the year 2017 and secured more than 48% of the marks even then he has not been declared as passed and his result has been withheld. Therefore, it is submitted that petitioner is eligible to be declared passed. Prayer has been made to issue writ for granting 4 marks in grace.
4. Learned counsel for respondents opposes the submissions and submits that the petitioner had appeared in the examination of 1st Semester in the year 2015-16, whereas the notification has been issued on 31.5.2017, therefore, the benefit under notification cannot be granted to the petitioner in retrospective effect. Apart from that petition has been filed in the year 2019, therefore, the petitioner is not entitled for grant of any relief.
5. Considered on the submissions.
6. Perused the documents filed along with the petition, the petitioner appeared in the 1st Semester of the exam in January-February 2016, in which, he could secure only 245 marks out of total 500 marks which was clearly less than 50% aggregate. In the A.T.K.T. exam conducted in February-March 2017, the petitioner has scored total marks 87 out of 500 marks, therefore, he could not secure the requisite 50% aggregate marks again, neither he has secured 48% aggregate marks as required according to the notification dated 31.5.2017 (Annexure-P/3). It also appears that the repeat examination of 1st Semester was conducted in the month of February-March 2017, that is before the date the notification was issued.
7. On perusal of the notification Annexure-P/3, it is found that the words are cleared that the decision taken for reducing the passing marks was to take effect from the date of notification and there is no such expression in words that the notification shall

have retrospective effect, hence, on the basis of these discussions made hereinabove, I am of this view that this petition is without any substance, hence, it is dismissed.

8. Accordingly, the petition is dismissed as disposed off.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Nisha