

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No.1369 of 2013

- Salma Mohd. Shafi, D/o Late Shri Mohammad Shafi, Aged About 37 Years, R/o House No.75, Near Baba Flour Mill, Kelawadi, Thana and Post Durg, Durg, Chhattisgarh

----- Petitioner

Versus

- 1.State Of Chhattisgarh Through The Secretary Department Of Higher Education, Mahanadi Bhawan, Mantralaya, Naya Raipur, Mandir Hasoud, Raipur, Chhattisgarh
- 2.Chhattisgarh Public Service Commission Through Its Secretary, Shanker Nagar Road, Raipur, Chhattisgarh
- 3.Distance Education Council, Indira Gandhi National Open University, Maidan Garhi, New Delhi
- 4.The Global Open University, a University Duly Established Under The Global Open University (Nagaland) Act 2006, Having Its Interim Headquaarter At Opp. Railway Station, Dimapur, Nagaland

----- Respondents

WPS No.1161 of 2013

- Butaru Ram Painkra, S/o Chotan Ram Painkra, Aged About 34 Years, R/o Near House Of Sarpanch, Village Udaipur, Ramgarh Road, Tehsil Udaipur, Post and Thana Udaipur, District Surguja, Chhattisgarh

----- Petitioner

Versus

- 1.State Of Chhattisgarh Through The Secretary Department Of Higher Education DKS Bhawan, Mantralaya Raipur, Chhattisgarh

2. Chhattisgarh Public Service Commission Through Its Secretary Shanker Nagar Road, Raipur, Chhattisgarh
3. University Grants Commission Through Its Secretary Bahadur Shah Zafar Marg, New Delhi 110002
4. Distance Education Council, Indira Gandhi National Open University, Maidan Garhi, New Delhi
5. The Global Open University, a University Duly Established Under The Global Open University (Nagaland) Act 2006, Having Its Interim Headquarter At Opp. Railway Station, Dimapur, Nagaland

----- Respondents

For Petitioners	Mr. P. Acharya, Advocate
For Respondent-State	Mr. Soumya Rai, PL
For Respondent-UGC	Mr. S. S. Rajput, Advocate

Hon'ble Justice Shri Sanjay K. Agrawal

Order On Board

03/09/2021

1. Learned counsel for the parties would jointly submit that the matter in issue has already been considered and decided by the Division Bench of this Court in WA No.221/2014, decided on 24.02.2016, parties being **Abhay Chandra Paul and others vs State of Chhattisgarh and others** and other connected matters.
2. The Division Bench of this Court in paras 6 to 9 of WA No.221/2014 has held as under:-

"6. If the Appellants claim that they have not pursued their M. Phil course at any off-campus centre of the University within the State of Chhattisgarh, it naturally raises a presumption that they have taken their admissions at Nagaland and pursued their M. Phil course there itself. Surprisingly the Writ Petition is completely silent and wanting in any details whatsoever with regard to when they took the admission in the M. Phil course at Nagaland, the duration of the course, who their guide was and when they submitted their dissertation.

7. If the private University itself was established in 2006 the question of establishing any off-campus center in 2009 before expiry of five years simply does not arise. The issue of any approval by the State government therefore becomes redundant at this stage since the primary requirement itself was not fulfilled. If establishment of an off-campus center or study center was impermissible, the question of opening an examination center in the State of Chhattisgarh by the University simply does not arise. What could not be done directly cannot be done indirectly. There exists no provision in the Regulations neither is there any provision for the opening of an off-shore examination center only by a private University outside its boundaries. If the examination centre itself does not have any legal sanctity, the plea for having appeared at the M. Phil examination at any examination center in the State of Chhattisgarh is but an argument in desperation which merits no consideration at all.

8. We may usefully also refer to a public notice by the Commission dated 7.12.2009 inter alia mentioning name of the present University as not having been permitted by it to have

any off-campus centre.

9. We therefore find no reason to interfere. The appeal is dismissed."

3. In view of the above, the present writ petitions are also disposed of in terms of the order passed in WA No.221/2014. No order as to cost (s).

Sd/-

Sanjay K. Agrawal
Judge

Nirala