

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

(Arising out of order dated 05.11.2020 passed by learned Single Judge in WPC
No.2240 of 2020)

WA No. 100 of 2021

- Prachi Tulsyan D/o. Niranjana Tulsyan Aged About 22 Years
R/o.- Village Belgahna District Bilaspur (Chhattisgarh)

---- Appellant**Versus**

1. State Of Chhattisgarh Through Its Secretary Department Of
Agriculture Mantralay Mahanadi Bhawan P.S. Rakhi, New
Raipur District Raipur (Chhattisgarh)
2. Vice Chancellor Indira Gandhi Krishi Vishwavidyalaya
Krishak Nagar Raipur (Chhattisgarh)
3. Director Of Instruction And Controller Of Exam Of Indira
Gandhi Krishi Vishwavidyalaya Raipur (Chhattisgarh)
4. Indira Gandhi Krishi Vishwavidyalaya Through Registrar
Krishak Nagar, Raipur (Chhattisgarh)
5. University Grants Commission Through Secretary, Bahadur
Shah Zafar Marg New Delhi (Delhi)

---- Respondents

For Appellant	:-	Mr. P.K. Tulsyan, Advocate
For Respondent-State	:-	Mr. Arjit Tiwari, PL
For Respondents No.2-4:-		Mr. Sangharsh Pandey, Advocate
For Respondent No.5	:-	Mr. R.K. Gupta, Advocate

Proceedings through Video Conferencing**Hon'ble Shri Prashant Kumar Mishra, Ag.CJ****Hon'ble Smt Rajani Dubey, J****Judgment On Board****By****Prashant Kumar Mishra, Ag.CJ**

13/07/2021

1. Appellant (henceforth 'the petitioner') has passed her B.Sc Horticulture in the year 2019 and was preparing for Common Entrance Test (CET) for getting admitted to Post Graduate Horticulture course, however, as to her utter surprise, the respondents vide order dated 30.7.2020 (Annexure P1 to writ petition), canceled the examination and decided to provide admission for PG & Ph.D courses on the basis of marks/percentage secured by a candidate in the eligibility qualification, which in the instant case is B.Sc Agriculture/ Horticulture course.
2. Learned counsel for the petitioner submits that by the action of the respondents, the petitioner has lost one precious year in her academic career and further that the Supreme Court has directed that final year examination cannot be canceled.
3. In a detailed order, learned Single Judge has assigned reasons as to why petitioner's contention has not found favour with the Court.
4. Admittedly, the academic session has already commenced after July, 2020 and all the seats for the subject course for which the petitioner was aspiring have already been filled. The entire admission process cannot be canceled at this stage. Similarly, if seats are not available, examination cannot be held now for the petitioner alone.
5. It has been noted by learned Single Judge that considering

the scenario arising out of COVID-19 pandemic situation, the University was facing difficulty in making admissions as per the extant policy, therefore, it has acted under the ICAR (Indian Council of Agricultural Research) suggestions which had enabled the University to adopt alternative modes for admission process. It is matter of common knowledge that since 25 March, 2020 onwards COVID-19 situation was so grave that the academic programmes including admission process in various educational institutions has been greatly disturbed, therefore, in such a situation, when academic institutions have taken decision depending upon all relevant factors, it cannot be found fault only because the petitioner had taken a drop and was preparing for entrance examination. Law does not work for or against one person in such matters more so during COVID-19 situation.

6. Considering the entire subject matter at hand, we are not inclined to interfere with the order passed by learned Single Judge.
7. In view of the above, the writ appeal is liable to be and is hereby dismissed, leaving the parties to bear their own cost(s).

SD/-
(Prashant Kumar Mishra)
Acting Chief Justice

SD/-
(Rajani Dubey)
Judge