

AFR

HIGH COURT OF CHHATTISGARH, BILASPUR**W.P.(C) No. 3682 of 2021****Order Reserved on 21.10.2021****Order Delivered on 16.11.2021**

Suvarna Prakash Jaiswal D/o Vinay Prakash Jaiswal Aged About 20 Years
R/o Flat No. 411, 4th Floor Benikunj Apartment Raigarh Chhattisgarh.,
District : Raigarh, Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh through The Secretary Department Of Higher Education, Mahanadi Bhawan, Mantralaya, Atal Nagar, Raipur Chhattisgarh, District : Raipur, Chhattisgarh.
2. Pt. Ravishankar Shukla University Through Its Registrar, R/o Great Eastern Rd, Amanaka, Raipur Chhattisgarh 492010
3. Kd Runta College Of Science And Technology Atari, Raipur , Through Its Director Address Kdrcst Building, Ward No. 01, Behind Nandan Van, Veer Savarkar Nagar, Atari , Raipur Chhattisgarh 492009
4. The Principal Kd Rungta College Of Science And Technology , Atari Raipur Address Kdrcst Building , Ward No. 01, Behind Nandan Van, Veer Savarkar Nagar , Atari, Raipur Chhattisgarh 492009

---- Respondents

For the Petitioner	:	Shri Sanjay Agrawal, Advocate.
For Respondent No.1	:	Shri Ravi Kumar Bhagat, G.A.
For Respondent No.2	:	Shri Neeraj Choubey, Advocate.
For Respondents No.3 & 4	:	Shri Sourabh Dangi, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**CAV ORDER**

Heard.

1. This petition has been brought under Article 226 of the Constitution of India for issuance of appropriate writs against the respondents.
2. It is submitted by counsel for the petitioner that the petitioner is a student of Bachelor of Computer Application in the college of respondent

No.3 – KD Rungta College of Science & Technology. The petitioner could not appear in the practical exams held in July, 2021 because she was suffering from fever, cold, cough & throat infection resembling the symptoms of COVID-19 and she was advised by the doctor to go in quarantine for 10 days. Because of non-appearance of the petitioner, she was declared as failed in the practical examination of 1st year Computer Application. As the petitioner was suffering from symptoms which were suspected of COVID-19, she must have been given relaxation and the practical exams of the petitioner should have been held separately. Hence, it is prayed that respondents No.2, 3 & 4 be directed to arrange for taking practical exams of the petitioner separately, so that her academic year is not spoiled.

Reliance has been placed on the judgment of Kerala High Court in the case of **Azna Beevi and Anr. vs. State of Kerala and Ors. in W.P.(C) No.15415 of 2021.**

3. Learned State counsel makes a formal objection.
4. Learned counsel for respondents No.2 & 3 oppose the submissions made and submit that although there was suspicion that the petitioner may be infected with COVID-19 but the fact that she was not infected with corona virus, therefore, the petitioner is not entitled for grant of any relief.
5. Considered on the submissions. Apart from the submissions, the petitioner has not placed any reliance of such rules of the University or any policy adopted by the respondents in the matter of dealing the situation as presented by the petitioner in this present case. It may be so, that the

petitioner was advised for home quarantine but there is no such report that either she was infected by corona virus or the period during which the practical exams were held there was any lock-down operating. Hence, non-appearance of the petitioner in the practical exams cannot be held directly attributed to the COVID-19 pandemic conditions.

6. It is unfortunate that the petitioner could not appear in the practical exams because of her illness but unless there is a clear policy adopted by the respondents to give relief or relaxation in such cases, the High Court cannot make any such policy for making it applicable on the University or on the Institution. Therefore, there appears to be no reason to grant any relief to the petitioner. Hence, no relief as prayed can be granted in this petition, however, this Court feels necessity that some direction should be issued.

7. Accordingly, the petition is disposed of. Respondents No. 2 & 3 are specifically directed to consider on the situation which has been presented by the petitioner as her case in this petition. There may be a number of students who failed to give appearance in their exam papers or in their practical exams on account of similar reasons. Although, the authorities have relaxed the stringent conditions which were imposed for the purpose of control of corona virus pandemic, but till date there is no such announcement made that the corona pandemic is over. Therefore, in the continuation of such situation, persons or students who are relevant for this case, who may fall ill, may be advised by the physicians to go for home quarantine. Such person being bound by the advise given by the physician and also for the reason that every citizen has a duty to follow the COVID

guidelines is bound to follow and comply with the advise given by such physicians. Therefore, respondents No.2 & 3 are specifically directed to consider on this situation and if necessary and practicable, frame a policy which may be helpful to such students who were either affected by corona infection or were bound to follow the corona protocols for the other relevant reasons and consider on giving relief to such students who could not appear in the examination either due to corona infection or due to the reason that they were advised by the Doctor to remain in home quarantine. This direction may be complied at the earliest.

8. With the aforesaid observations and directions, the petition is disposed off.

Sd/-

(Rajendra Chandra Singh Samant)
Judge