

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 4672 of 2021

1. Sarita Baghel, D/o Laxman Baghel, Aged About 21 Years, R/o Village Bakawand, District Bastar Chhattisgarh
2. Hemant Kumar, S/o Khemsingh, Aged About 19 Years, R/o Village Ghatlohang, District Bastar Chhattisgarh

---- Petitioners

Versus

1. Director, Technical Education, Block -3, 3rd / 4th Floor, Indrawati Bhawan, Naya Raipur Atal Nagar, District Raipur Chhattisgarh
2. Chhattisgarh Vyavasaik Pariksha Mandal, Vyapam Bhawan, North Block, Sector-19 Atal Nagar, Naya Raipur District Raipur Chhattisgarh
3. State of Chhattisgarh Through The Secretary, Technical Education Department, Mahanadi Bhawan, Mantralaya, Atal Nagar, Naya Raipur District Raipur Chhattisgarh

---- Respondents

For Petitioner	: Mr. Tarendra Kumar Jha, Advocate.
For respondent	: Dr. Saurabh Kumar Pandey, Advocate.
For State	: Mr. Ravi Bhagat, Dy. Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

23/11/2021

Heard.

1. It is submitted that in the 2020, the respondent No.2 made modification in the scheme of admissions to the courses of Engineering(B.E.), Agriculture Engineering, Dairy Technology(B.Tech), B. Pharmacy, D. Pharmacy(PET/PPHT), Pre Polytechnic Test (PPT) and Pre MCA and granted admissions to the students on the basis of the marks obtained on the 12th Highed Secondary School Examination. In the current year, respondent No.2 invited online applications for the courses mentioned

hereinabove and the entrance examination was scheduled on 17.6.2021. Because of the second wave of Corona Virus and lock-down, the entrance examination was cancelled. A press release dated 23.7.2021 was issued again inviting online applications and the exam was scheduled on 8.9.2021. It is submitted that the petitioners could not submit online application because the Internet facilities were disrupted and not functioning properly. Counseling programme(Annexure-P/9) has been issued by the respondent No.1 in which, it is mentioned that the admission to Diploma Pharmacy course shall be given on the basis of the marks obtained according to the merits in the institution. It is submitted that the some scheme has not been made applicable to the B. Pharma course, hence, it is discriminatory and violative of Article 21A of Constitution of India.

2. It is submitted that according to this counseling programme, the students who have not appeared in examination are also entitled for admissions to B. Pharma course, hence, the respondents be directed to consider in grant of admission to the petitioners in B. Pharma course subject to availability of seats.
3. Learned counsel for respondents No.1 & 2 opposes the submissions and submit that grant of admission to students in D. Pharma course without appearing in the examination is a policy decision taken by the respondent No.2, therefore, B. Pharma course is a higher technical course, hence, the decision taken is proper that the admission should be granted to such course only on the basis of the merits in the entrance examination. Hence, there is no requirement of issuance of any writ in this case, hence, the petition be dismissed and disposed off.

4. Learned State counsel representing respondent No.3 opposes the submissions.
5. Considered on the submissions.
6. The counseling programme issued by the respondent No.1 mentions that online counseling would be held for the admission in various technical courses. The applicant must be qualified according to clause-6 of Chhattisgarh Takniki Sansthan main Pravesh Niyam, 2021. The allotment of the seats shall be on the basis of the merits in the entrance examination. In clause-3 of this programme it is mentioned that in the admission to Diploma Pharmacy Course preference shall be given to C.G. PPHT-2021 however in case the seats remains vacant then the seat allotment can be made on the basis of the total marks obtained. In clause-10 the online registration was required to be made for the same and the date for online registration was starting from 7.10.2021 to 12.10.2021. It appears that the petitioners in this case have not even registered for the counseling as there is no such mention in the petition and neither any document of such registration is present on the record of the petition. Further, the ground of discrimination raised by the petitioner side is not subject to consideration, as it is a policy decision to be taken by the respondent No.2 itself, on which the Court cannot super impose any such policy. Therefore, I am of this view that there is no substance in this petition, hence, it is dismissed and disposed off.

Sd/-

(Rajendra Chandra Singh Samant)

Judge