

HIGH COURT OF CHHATTISGARH, BILASPURWA No. 102 of 2021(Arising out of the order dated 4-3-2021 passed by learned Single Judge in
WPS No. 4394 of 2020)

- Pradeep Koshle S/o Shri Dashrath Lal Koshle Aged About 34 Years R/o Magarpara, Mari Mai Road, Bilaspur District Bilaspur Chhattisgarh. Working As Lecturer Lb, Government Higher Secondary School, Ankira, Block Farsabahar, Jashpur, District Jashpur Chhattisgarh.

---- Appellant

Versus

1. State of Chhattisgarh through Secretary School Education Department, Mantralaya, Mahanadi Bhawan, Naya Raipur, District Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
2. The Director State Council of Educational Research And Training (Scert), Shankar Nagar, Raipur, District Raipur Chhattisgarh.,
3. The Principal Institute of Advance Studies In Education, Link Rd, Tarbahar Chowk, Bilaspur Chhattisgarh.,
4. The Principal Government Higher Secondary School, Ankira, Block Farsabahar, Jashpur District Jashpur Chhattisgarh.,
5. Ganesh Ram Chandra Working As Lecturer Lb, Government Higher Secondary School, Agastapur, Block Ramanujganj, District Surajpur Chhattisgarh.,
6. Gulnaj Momin Working As Lecturer Lb, Government Higher Secondary, School, Dumariya, Block Baikunthpur, District Koriya Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh
7. Umashankar Rohidas Working As Lecturer Lb, Government Higher Secondary School, Dumariya, Block Balouda, District Janjgir Champa Chhattisgarh.,

---- Respondents

For appellant	:	Mr. Malay Jain, Advocate
For respondents/State	:	Mr. Vikram Sharma, Dy.G.A.

DB: **Hon'ble Mr. P.R. Ramachandra Menon, Chief Justice &
Hon'ble Mr. Narendra Kumar Vyas, J.**

**Judgment on Board****Per Mr. Narendra Kumar Vyas, J.****24-03-2021.**

1. The appellant has preferred the present writ appeal under Section (2)(1) of the Chhattisgarh High Court (Appeal to Division Bench) Act, 2006 read with Rule 157 (10) (c) of the Chhattisgarh High court Rules 2007, being aggrieved with the order dated 4-3-2021 passed by the learned Single Judge in Writ Petition (S) No. 4394 of 2020 (Annexure A/1), whereby the claim of the petitioner has been dismissed.

2. The facts projected by the appellant in the writ appeal as well as in the writ petition, in brief, are that on 21-5-2020, an advertisement was published by the State Council of Educational Research and Training (for short, "SCRET"), Raipur inviting applications for Entrance Examination in M.Ed (2 years) course for E, T, LB cadre in the Institute of Advanced Studies in Education (for short, "IASE") Bilaspur for admission. The applications were to be filled up before the IASE Bilaspur between 1-6-2020 to 30-6-2020. On 18-9-2020 the merit list was published and the appellant herein was selected for admission in the said institute. According to the order dated 18-9-2020 (Anenxure P/5), the successful candidate has to be appeared before the respective educational institution, Bilaspur along with the original records. The appellant could not submit original records as per cut-off date given in Annexure





P/5 ie. 9-10-2020. After expiry of cut-off date, the appellant submitted his representation on 13-10-2020 (Annexure P/11) before the concerned authority and thereafter, he filed writ petition before this court on 14-10-2020.

3. The State has filed its return mainly contending that since the last date for admission was 9-10-2020, College has rightly denied admission to the appellant after cut-off date. The appellant cannot take advantage of his own mistake. The appellant was aware of the fact that Farsabahal where he resides is 253 kms away from Bilaspur, as such, he is expected to make all arrangements so as to obtain the formalities completed on or before 9-10-2020 ie., the last date of admission. It has been further contended on behalf of the State that the order dated 18-9-2020 (Annexure P/5) was issued much prior to the cut-off date, as such it is the responsibility of the appellant herein to take all necessary measures and collect all the documents in time which are necessary for admission. The appellant has failed to discharge his responsibility and prayed for rejection of the present writ appeal.
4. Learned Single Judge vide impugned order dated 4-3-2021 has dismissed the writ petition by recording his finding at para 8 which reads as under:

“8. Once when there is a cut-off date provided for admission and for completion of the





requisite formalities, it is expected that the candidates interested in obtaining the admission, to take prompt steps in getting the same within the stipulated period. Moreover, under the provision of rules governing the field there does not seem to be any power vested with the authorities for extending the period of admission of these documents for which the cut-off date already was fixed on 9-10-2020”.

The aforesaid order is under challenge by the appellant by filing the present writ appeal.

5. We have heard learned counsel for the appellant as well as learned State counsel for respondent and perused the documents. Annexure P/5 reads as under:-

“संचालक राज्य शैक्षिक अनुसंधान एवं प्रशिक्षण परिषद, शंकर नगर रायपुर, छ0ग0 पत्र क्रमांक/ई मेल/ एम.एड./ (विभागीय/सीधी भर्ती)/प्रवेश/2020 रायपुर दिनांक 22.05.2020 के निर्देशानुसार इस महाविद्यालय में गठित समिति द्वारा प्राप्त आवेदन से सत्र 2020-22 के लिए एम0एड0 (द्विवर्षीय सेमे.) प्रशिक्षण हेतु चयन करते हुए आदेशित किया जाता है कि निम्नांकित चयनित शिक्षक दिनांक 09.10.2020 तक उन्नत शिक्षा अध्ययन संस्थान, बिलासपुर छ0ग0 में समस्त आवश्यक प्रमाणपत्रों के साथ अनिवार्यतः उपस्थित होकर प्रवेश ले लेवें।”

6. It has been well settled by the Hon'ble Supreme Court that so far as professional courses like medical, education, engineering are concerned, the cut-off date for obtaining admission has to be strictly adhered to it and there cannot be any change to the cut-off date. Hon'ble the Supreme Court in



the matter of **Parshavanath Charitable Trust & others vs All India Council For Technical Education and others**, reported in (2013) 3 SCC 385 has examined the relevancy and importance of cut-off date and observed strict adherence to the cut-off date in para 45 of the judgment, which reads as under:

“45. We find that the above Schedule is in conformity with the affiliation/recognition schedule afore-noticed. They both can co-exist. Thus, we approve these admission dates and declare it to be the law which shall be strictly adhered to by all concerned and none of the authorities shall have the power or jurisdiction to vary these dates of admission. Certainty in this field is bound to serve the ends of fair, transparent and judicious method of grant of admission and commencement of the technical courses. Any variation is bound to adversely affect the maintenance of higher standards of education and systemic and proper completion of courses”.

7. The appellant has not submitted original documents on 9-10-2020 which was cut-off date for getting admission, as such appellant cannot claim for admission after cut-off date in view of the judgment enunciated by Hon'ble Supreme Court in the matter of Parshvanath Charitable Trust (supra). The learned Single Judge has rightly observed that the cut-off date





provided for admission and for completion of requisite formalities cannot be varied or altered

8. In view of what has been discussed above and the law laid down by Hon'ble the Supreme Court in the matter of Parshvanath Charitable Trust (supra), we are of the considered opinion that no strong case is made out to interfere with the order impugned.

9. Accordingly, the writ appeal being devoid of merit is liable to be and is hereby dismissed at motion stage itself.

10. No order as to costs.

Sd/-

(P.R. Ramachandra Menon)
Chief Justice

Sd/-

(Narendra Kumar Vyas)
Judge

Raju

