



HIGH COURT OF CHHATTISGARH AT BILASPUR

Order Sheet

W.P.(C) No. 2305 of 2023

1. Poshan Sahu, S/o Santosh Sahu, aged about 20 years, R/o Ward No 2, Matka Bemetara, District Bemetara (C.G.)
2. Harsh Verma S/o Dhanesh Verma, Aged About 19 Years, R/o House No. 54, Ward No. 1, Bhilauri, Tilda, District Raipur (C.G.)
3. Jahnavi Verma D/o Khemnarayan Verma, Aged About 19 Years, R/o House No. 75, Krishna Nagar Colony, Bajrang Ward, Tilda Nevra, District Raipur (C.G.)
4. Soumya Sinha S/o Ramkumar Sinha, Aged About 18 Years, R/o Bharatmata Chowk, Ward No. 26, Kawardha, District Kabirdham (C.G.)
5. Kumkum Sahu D/o Radhelal Sahu, Aged About 18 Years, R/o Akolikala, District Mahasamund (C.G.)
6. Muskan Bhardwaj D/o Madho Singh Bhardwaj, Aged About 18 Years, R/o Kanhapur, Post Koma, District Mahasamund (C.G.)
7. Mehul Verma S/o Deendayal Verma, Aged About 19 Years, R/o Nakti (Vishrampur), Post Tulsi (Manpur), Tahsil Tilda, District Raipur (C.G.)
8. Narendra Yadav S/o Dileshwar Prasad Yadav, Aged About 18 Years, R/o Raipur, District Raipur (C.G.)
9. C.L. Himanshu Tandiya S/o Chhabilal Tandiya, Aged About 18 Years, R/o Ward No. 10, Narharpur, District Kanker (C.G.)
10. Vasundhara D/o Rajendra, Aged About 18 Years, R/o 125 Indra Awas Para, Village Kathiya, Post Kathiya, District Raipur (C.G.)
11. Poonam Yadav D/o Shivprasad Yadav, Aged About 19 Years, R/o Mohba Bazar, Dumar Talab, Raipur, District Raipur (C.G.)
12. Minakshi Verma D/o Ashok Verma, Aged About 18 Years, R/o Housing Board Colony, Kohka, Tilda Nevra, District Raipur (C.G.)
13. Ritik S/o Prakash Tembhurne, Aged About 21 Years, R/o Laxmi Nagar, Gudhiyari, Raipur, District Raipur (C.G.)
14. Hardika Gautam D/o Rakesh Gautam, Aged About 18 Years, R/o Deendayal Upadhyay Nagar, Raipur, District Raipur (C.G.)

... Petitioner(s)

Versus

1. Government Nagarjuna Post Graduate College of Science, through its Principal, G.E. Road, Raipur (C.G.)
2. Pt. Ravishankar Shukla University, through its Registrar, Amanaka, G.E. Road, Raipur (C.G.)
3. State of Chhattisgarh, through its Special Secretary, Department of Higher Education Mahanadi Bhawan, Nava Raipur, Atal Nagar (C.G.)

... Respondent(s)



12/05/2023	Mr. Akash Kedia and Mr. Gaurav Singhal, Advocates, for Petitioners. Mr. Neeraj Choubey, Advocate, for Respondent No.2, on advance Notice. Mr. Ghanshyam Patel, Government Advocate, for Respondent No.3, on advance Notice. Heard on Admission as well as on I.A. No.1 - Application for Interim Relief. Since Respondents No.2 & 3 are represented through their respective Counsels, issuance of Notice to them stands dispensed with. Let Notice be issued to Respondent No.1 on payment of P.F. as per Rules. Let Notice be issued on I.A.No.1 as well. Learned Counsel for Petitioners submits that in terms of the Ordinance governing the field, when the Petitioners took admission and the Petitioners participated in the examination so far as the B.Sc. 1st Semester course is concerned, the required minimum passing mark was only 33%. Whereas, under the subsequently introduced new Ordinance i.e., Ordinance No.197, the Petitioners, who have not scored 40% and above, but have scored more than 33%, have been declared fail and have not been permitted to participate in the 2nd Semester internal examination. Learned Counsel for the Petitioners makes a categorical stand that even Pt. Ravishankar Shukla University itself in the University Teaching Department has not applied the said Ordinance, but has only made it prospective for the subsequent admissions that would be given after the introduction of the said Ordinance. Learned Counsel for Respondent No.2/University also submits that they have also not issued any instructions for the Autonomous Colleges for making the said Ordinance applicable for students who have already taken admission under the previous Ordinance and program where the courses were that of only 3 years and whereas as per the new Ordinance, the courses would be that of 4 years. According to the Counsel for University, the two programs and courses therefore are quite distinct in itself.



Given the said facts, this Court is of the opinion that a strong case for grant of Interim Relief has been made out.

Accordingly, the Respondent No.1 is directed to immediately permit the Petitioners to participate in the ongoing internal examination, so far as the 2nd Semester of the B.Sc. course is concerned. However, the results of the internal examination may not be disclosed pending the Writ Petition.

List this Writ Petition for hearing along with W.P.(C) No.2086/2023.

Meanwhile, the Respondents should positively file their reply.

It is made clear that since the effect and operation of the Ordinance No.197 has already been stayed by this Court, it goes without saying that the College authorities would proceed in accordance with the prevailing Ordinance i.e. Ordinance No.21 so far as admission and examination is concerned for the students who had already taken admission prior to the coming into force of the Ordinance No.197.

Sd/-
(P. Sam Koshy)
JUDGE