
(2021) 11 CHH CK 0028
In the Chhattisgarh High Court
Case No : Writ Appeal No. 355 Of 2021

Ritika Singh

APPELLANT

Vs

Guru Ghasidas University

RESPONDENT

Date of Decision : 11-11-2021

Acts Referred:

Citation : (2021) 11 CHH CK 0028

Hon'ble Judges : Arup Kumar Goswami, CJ;Arvind Singh Chandel, J

Bench : Division Bench

Advocate : Anshuman Shrivastava, Ashish Shrivastava, Soumya Rai

Final Decision : Disposed Of

Judgement

1. Heard Mr. Anshuman Shrivastava, learned counsel for the petitioner. Also heard Mr. Ashish Shrivastava, learned senior counsel appearing for the respondent.
2. This appeal is preferred against an order dated 27.10.2021 passed by the learned Single Judge in WP(C) No.4321 of 2021, whereby, the learned Single Judge rejected the application, being I.A. No. 01 of 2021, by means of which, the appellant had prayed for grant of interim relief. By the said application, the appellant prayed for a direction to the respondent-University to provide provisional admission or to keep one seat reserved / vacant of B.Sc (Honours)-Rural Technology / B.Sc. in Forestry.
3. The respondent - University had refused admission of the appellant on the ground that the appellant had secured less than 50% marks in the Higher Secondary Examination, 2020 and therefore, was not eligible to be admitted. The stand taken by the appellant is that the appellant having taken an examination for improvement of performance, resultantly, on the basis of better of two marks in two examinations in the subjects concerned, her total percentage becomes 51.6% and therefore, the plea taken by the University for rejecting admission of the appellant is not justified.

4. Mr. Ashish Shrivastava had submitted that in the attending facts and circumstances, Central Board of Secondary Education is a necessary party and in absence of the Central Board of Secondary Education as party respondent, the writ petition is liable to be dismissed, as the guidelines issued by the Central Board of Secondary Education would come in for consideration in the writ petition.
5. Having heard the learned counsel for the parties, we are of the opinion that since the case pertains to refusal on the part of the University to admit a student on a plea taken that the student does not meet the eligibility requirement, we deem it proper to implead the Central Board of Secondary Education suo moto in the writ appeal as well as in the writ petition. Accordingly, the Central Board of Secondary Education, Shiksha Kendra, 2, Community Centre, Preet Vihar, Delhi - 110092, is arrayed as respondent No.2.
6. Mr. T.K. Tiwari, learned standing counsel for the CBSE is present in the Court and he has accepted notice of the writ petition as well as of the writ appeal.
7. Mr. Anshuman Shrivastava will make necessary incorporation in the writ appeal papers and the writ petition in the cause title for impleading the respondent No.2 - Central Board of Secondary Education.
8. It is submitted by Mr. Ashish Shrivastava that as of today, the last date of admission for the courses for which the appellant is seeking admission, is extended to 26.11.2021.
9. In the attending facts and circumstances, we are not inclined to interfere with the order of learned Single Judge, but at the same time, we are of the opinion that an early resolution of the dispute is called for, as the academic career of a student is in question.
10. Taking that view, while disposing of the appeal, we direct the Registry to list the case before the learned Single Judge having roster on 18.11.2021.
11. Mr. T.K. Tiwari submits that he will obtain necessary instructions before the next date fixed. When the case is listed before the learned Single Judge, Registry will reflect the name Mr. T.K. Tiwari in the cause list.
12. The writ appeal stands disposed of with the aforesaid directions.