
(2010) 06 CHH CK 0024
In the Chhattisgarh High Court
Case No : Writ Petition (C) No. 6977 of 2009

Surendra Singh Mahesh and Another	APPELLANT
Vs	
State of Chhattisgarh and Others	RESPONDENT

Date of Decision : 21-06-2010

Acts Referred:

Citation : (2010) 06 CHH CK 0024

Hon'ble Judges : S.K. Agnihotri, J

Bench : Division Bench

Final Decision : Allowed

Judgement

S.K. Agnihotri, J.—By this petition, the petitioner impugn the letter dated 4-11-2009 (Annexure - P/1) whereby the petitioners were not enrolled for B. Pharma Lateral Entry, 3rd Semester on the ground that they have obtained below 60% marks in Diploma in Pharmacy examination.

2. The facts, in nutshell, for adjudication of the case, are that the petitioners obtained 59.90% and 59.81% marks, respectively, in Diploma in Pharmacy examination. On the basis of acquisition of Diploma in Pharmacy, the petitioners were admitted in B. Pharma second year with the respondent No. 4 college. Thereafter, the enrollment of the petitioners was cancelled by the respondent No. 3 University on the ground that they have obtained less than 60% marks in Diploma in Pharmacy. Thus this petition.

3. Shri Kesharwani, learned counsel appearing for the petitioners, submits that the question of law involved in the present case is squarely covered by the decision rendered by the Division Bench of this Court in Kumari Priyanka Tiwari v. Chhattisgarh Swami Vivekanand Technical University & others, W.P. (C) No. 7125 of 2008 decided on 15.1.2010.

4. In Kumari Priyanka Tiwari (supra), the petitioner therein obtained 49.66% marks in 10+2 examination and after rounding off it was treated as 50% for admission.

5. In State of Orissa and another Vs. Damodar Nayak and another, , the question before the Supreme Court was - whether the respondent would be entitled to payment of salary under the Grants - in -Aid Scheme from the date of initial appointment till he improved his qualification or from the date of his acquiring the qualification? As per resolution issued by the State Government, the qualification for recruitment of Lecturers of affiliated colleges was that candidate not holding an M. Phil. Degree should possess a high second class Master's degree i.e., 54% marks and a second class Honours/Pass in the B.A/ B. Com/ B. Sc. Examination" Considering that respondent No. 1 secured 53.9% marks, which is almost equivalent to 54% marks, it was held that he will be eligible to the benefit of the grants - in - aid w.e.f. 1-8-1987 and onwards.

6. In view of foregoing, the question of law raised herein is well settled, the marks obtained by the petitioners may be treated as 60% by rounding off 59.90% and 59.81% marks, respectively.

7. In the result, the writ petition is allowed. The respondent University and the College are directed to enroll the petitioners to B. Pharma Lateral Entry, 3rd Semester.

8. There shall be no order as to costs.