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Single Bench

IN THE HIGH COURT OF JUDICATURE AT BILASPUR (C.G.)W.P.No 4750/2004PETITIONERS

1. Mirza Irfan Ahmed
aged about 23 years
S/O Shri M.S. Ahmed
R/O Masjid Road, Kota
District Raipur (C.G.)
2. Prakash Kumar Chandrakar
aged about 24 years
S/O Shri G.R. Chandrakar
R/O House No. 15/581 Badhai
Para, District Raipur
(C.G.)
3. Amit Thakur
aged about 23 years
S/O Shri R.K. Thakur
R/O Kela Badi near Sahu
Sadan District Durg (C.G.)
4. Navin Meshram
aged about 24 years
S/O Shri
R/O Ambedkar Nagar, near
Civil Line Thana, Bilaspur
(C.G.)
5. Girish Chandra Kushwaha
aged about 23 years
S/O Shri G.R. Kushwaha
R/O Gokulpur, Dhamtari
District Raipur (C.G.)

P.R. No. 4809/04
Presented by Shri. Rahul Jha
dated 09.12.04

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9.12.04
Clerk to A. G. Bilaspur



6. Ku. Manju Bharati
aged about 20 years
D/O Shri Brijmohan Ram
R/O Balaji Nagar, Gudiyari
Nagar, Shrinagar
District Raipur (C.G.)
7. Ku. Kusum Nag
Aged about 20 years
D/O Shri N.L. Nag
R/O Vill. & P.O. Dhanora
Tahsil Keskai
District Bastar (C.G.)
8. Kishor Kumar
Aged about 28 years
S/o Shri Sitaram
R/O Vill. & Post Soorsitapur
District Sarguja (C.G.)
9. Ku. Mamta Bhagat
Aged about 20 years
D/O Shri S.S. Bhagat
R/O Vill. & Post Sahashpur
District Jashpur (C.G.)
10. Arvind Singh Sikharwar
Aged about 21 years
S/O Shri R.K. Sikharwar
R/O Room No. 50
College of Agriculture
New Hostel, Raipur
District Raipur (C.G.)
11. Kamlesh Kumar Mourya
Aged about 22 years
S/o R.S. Mourya



R/O R/O Room No. 73
College of Agriculture
New Hostel, Raipur
District Raipur (C.G.)

12. Rishikesh Kashyap
Aged about 26 years
S/o Shri G.K. Kashyap
R/o Jamig 6 Bodhghat
Colony, Jagdalpur
District Jagdalpur (C.G.)

13. Amit Kumar Tanwar
Aged about 20 years
S/O Shri C.P.S. Tanwar
R/O Rajni Sahu Bhawan
Lodhi Para, Sarkanda
District Bilaspur (C.G.)

VERSUS

RESPONDENTS:

1. State of Chhattisgarh
Through the Secretary
Department of Agriculture
D.K.S. Bhavan, Mantralaya,
Raipur (C.G.).

2. Indira Gandhi Krishi
Vishwavidyalaya
through the Registrar
Krishak Nagar, Raipur
(C.G.)

3. Vice Chancellor
Indira Gandhi Krishi
Vishwavidyalaya Krishak
Nagar, Raipur (C.G.)





4. Dean
Shaheed Gundadhur College
of Agriculture
Jagdalpur (C.G.)
5. Dean
Danteshwari College of
Horticulture, Raipur (C.G.)
6. Dean
Thakur Chhedilal Barrister
College of Agriculture
Bilaspur (C.G.)
7. Dean
College of Agriculture
I.G.K.V. Raipur (C.G.)
8. Dean
M.C.A. Dhamtari
District Dhamtari (C.G.)
9. Dean
Bhartiya Krishi College,
District Durg (C.G.)
10. Dean
College of Dairy
Technology, I.G.K.V.,
Raipur (C.G.)

PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF
INDIA FOR ISSUANCE OF APPROPRIATE WRITS OF MANDAMUS
AND CERTIORARI AND FOR OTHER SUITABLE WRITS AND
DIRECTIONS

आदेश पत्रक

मामला क्रमांक

WP No. 4250/04
सन् 2004

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	<p><u>24-12-2004</u></p> <p>On a mention being made, the case is taken up for hearing.</p> <p>Heard Shri Anand Kumar Tiwari, counsel for the petitioners.</p> <p>Shri Sanjay S. Agrawal, Govt. Advocate for the State/respondent No.1.</p> <p>Shri Kishore Bhaduri, counsel for respondents 2, 3, 4, 6, 7 and 10.</p> <p>The petitioners, who are students of under graduation courses namely B. Sc. Agriculture, B. Tech. Dairy Technology and B. Sc. Horticulture, have moved this petition under Article 226 of the Constitution of India with a prayer that respondents be directed to allow the petitioners to appear in the 4th and 3rd year of B. Sc. Agriculture Course respectively and allow them to appear in the failed subjects of 2nd and 1st year respectively along with prosecuting studies in the 4th and 3rd year of the B. Sc. Agriculture Course.</p> <p>At the outset, very frankly learned counsel for the petitioner Mr. Tiwari submitted that the petitioners' case is not covered as per the regulation Annexure-P/1 and they are not entitled for the relief asked for as per regulation 13.7 and 13.8 of the regulations. Their prayer is for sympathetic consideration on the ground of parity and similar treatment looking to the earlier decision taken by the University, respondent No.2, Annexure-P/5, on 30th January 2004</p>	

आदेश पत्रक

मामला क्रमांक W.P. NO. 4250/04
सन् 2004

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित - 2 -	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	<p>whereby the students were allowed to appear in the examination by relaxing regulation 13.7, 13.8 and 13.9 of the regulations. He further submitted that earlier Agriculture College Raipur, was under the Madhya Pradesh Agriculture University and that University has already amended these regulations, as such relief may be granted to the petitioners.</p> <p>On the other hand, Mr. Kishore Bhaduri, learned counsel appearing on behalf of respondents 2, 3, 4, 6, 7 and 10 and Mr. Sanjay S. Agrawal, Govt. Advocate appearing for respondent No.1, submitted that no relaxation can be made in the regulations. Only once relaxation was made which was Annexure-P/5 looking to the peculiar facts and circumstances of each case of the students and that too as a special case. There is no other instance where such relaxation was ever made.</p> <p>Perusal of Annexure-P/5 shows that the University is capable of making relaxation looking to the special case, facts and circumstances of the case and also taking into consideration the consequences of the relaxation, nature of the relaxation sought for and also whether relaxation asked for is going to affect or not the educational excellence.</p> <p>Learned counsel for the petitioners submitted that the petitioners may be allowed to make a detailed representation raising</p>	

आदेश पत्रक

मामला क्रमांक

सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -3-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	<p>all the points available to them to respondent No.2 by Monday i.e. 27-12-2004 and respondent No.2 may be directed to consider the case of the petitioners sympathetically. He further submitted that as examination is going to be commenced from 5th January 2005, therefore, respondent No.2 may be further directed to decide the representation of the petitioners by 29th December 2004 so that the petitioners are able to know their fate to which learned counsel for respondents have no objection.</p> <p>Having heard learned counsel for the parties and having regard to the facts and circumstances of the case, the petitioners are allowed to make a detailed representation to respondent No.2 raising all the points by Monday i.e. 27-12-2004 and respondent No.2 is directed to decide the representation of the petitioners by 29th December 2004 in an objective manner considering the past precedents and also other relevant factors which are mentioned in the representation.</p> <p>With the direction aforesaid, the petition stands disposed of. Consequently, M.(W.)P. No.5033/2004 also stands disposed of. Parties are entitled for certified copy of this order.</p>	<p>Sd/- L.C. Bhadoo Judge</p> <p>[पाठ दाखल]</p>

Barve

19/12/04