

(2019) 02 CHH CK 0177

Chhattisgarh High Court**Case No:** Writ Petition (C) No. 378 Of 2019

Basanti

APPELLANT

Vs

State Of Chhattisgarh And Ors

RESPONDENT

Date of Decision: Feb. 13, 2019**Hon'ble Judges:** Prashant Kumar Mishra, J**Bench:** Single Bench**Advocate:** Kshitij Sharma, Alok Bakshi**Final Decision:** Allowed

Judgement

Prashant Kumar Mishra, J

1. Petitioner has been declared disqualified for admission into the B.Sc. Nursing Course for the reason that while filling application form the petitioner

had wrongly mentioned the marks obtained in the Physics, Chemistry & Biology subjects in the qualifying examination of Higher Secondary School

Certificate. Even if the said reason for calculation of marks obtained by the petitioner in the qualifying examination and subjects would hold good, the

fact remains that along with her application form the petitioner had also annexed the marksheet of HSC examination in which she had secured more

marks then what was wrongly mentioned by her in the application form.

2. Since the fact that the petitioner, in fact, secured more than 45% marks in the qualifying subjects in HSC examination is not disputed, the petitioner

should not be penalised for her mistake, as it will occasion loss of one year to the petitioner.

3. Let the respondents recalculate the threshold percentage of 45% on the basis of petitioner's marksheet of qualifying examination and take fresh

decision in the matter in consultation with the Nursing Council of India within a period of one week from today.

4. According to the petitioner she is eligible having secured more than 45% marks in the qualifying examination and seats are vacant in various

colleges in the State, this Court directs the Nursing Council to permit the respondent authorities to admit the petitioner, as she appears to be otherwise

eligible for admission.

5. In the result, the writ petition is allowed to the extent indicated above. No order as to costs.

6. Certified copy today.