
(2009) 03 AHC CK 0103

In the Allahabad High Court

Case No : Civil Miscellaneous Writ Petition No. 12701 of 2009

Afreen Parveen and others

APPELLANT

Vs

State of U.P.Through Secretary Higher Education,
U.P.Government., Lucknow and others

RESPONDENT

Date of Decision : 04-03-2009

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2009) 03 AHC CK 0103

Hon'ble Judges : S.P.Mehrotra, J

Final Decision : Dismissed

Judgement

S.P. Mehrotra, J.—The present Writ Petition under Article 226 of the Constitution of India has been filed by the petitioners, inter alia, praying for a writ of mandamus directing the respondent No. 2 (Vice Chancellor, M. J.P. Ruhilkhand University, Bareilly) to permit the petitioners and other students of B.A. PartI, B.A. PartII and B.A. PartIII of Muslima Girls Degree College, Sir Syed Nagar, Karula, Moradabad for their examination at the selfcentre, as mentioned in the Admit Card, issued by the University.

2. It is, interalia, averred in the Writ Petition that the petitioner Nos. 1, 2, 3 and 4 are the students of B.A. PartI, the petitioner Nos. 5 and 6 are the students of B.A. PartII and the petitioner Nos. 7 and 8 are the students of B.A. PartIII studying in the Institution M/s Muslima Girls Degree College, Sir Syed Nagar, Karula, District Moradabad (in short "Institution in question").

3. It is further averred in the Writ Petition that the Institution in question is under the selffinancial scheme and affiliated to M.J.P. Ruhilkhand University, Bareilly; and that the petitioners are appearing in B.A. PartI, B.A. PartII and B.A. PartIII Examinations, respectively, being held by the said University.

4. It is, interalia, further averred in Writ Petition that on 25.2.2009, it came to the knowledge of the petitioners that the entire examination of B.A. Classes of

the Institution in question has been centered at G.D.H.G. College, Moradabad. Copy of the List of Examination Centres dated 25.2.2009 issued by the said University has been filed as Annexure 3 to the Writ Petition.

5. It is, interalia, further averred that the petitioners belong to weaker section and are Parida Nashin girls, and the financial conditions of the petitioners are not so good and they cannot afford the expenses to move the examination centre, changed by the University.

6. It is, interalia, further averred in the Writ Petition that about 106 Degree Colleges are affiliated with the said University and except the 32 Institutions mentioned in the list annexed as Annexure No. 3 to the Writ Petition, 74 other Institutions have the selfcentres.

7. Copy of the programme of the examination as declared by the said University has been filed as Annexure No. 5 to the Writ Petition.

8. A perusal of the examination programme shows that the examination are scheduled to be held with effect from 5.3.2009, i.e., tomorrow.

9. I have heard Sri Raj Kumar Khanna, learned Counsel for the petitioners, Sri Vivek Verma, learned Counsel for respondent No.2 and the learned Standing Counsel appearing for respondent No. 1, and perused the record.

10. It is submitted by Sri Raj Kumar Khanna, learned Counsel for the petitioners that by the list dated 25.2.2009, only 32 institutions have been picked up which are not being given selfcentre while a large number of other Institutions have been given selfcentres for the above examination.

11. It is further submitted that the examinations of the petitioners are going to commence with effect from 7.3.2009, even though other examinations are commencing with effect from 5.3.2009.

12. It is further submitted that the petitioners belong to weaker section and they will suffer a great hardship in appearing in the examination at the changed centre, namely, G.D.H.G. College, Moradabad. In the circumstances, the submissions proceeds, the said University be directed to provide selfcentre to the Institution in question, namely M/s Muslima Girls Degree College, Sir Syed Nagar, Karula, District Moradabad.

13. I have considered the submissions made by Sri Raj Kumar Khanna, learned Counsel for the petitioners, and I find myself unable to accept the same.

14. In paragraph 16 of the Writ Petition, it is, interalia, stated that G.D.H.G. College, Moradabad is situated at about 8 Kilometers distance from the Institution in question, namely, M/s. Muslima GMs Degree College, Sir Syed Nagar, Karula, District Moradabad. In the representation dated 27.2.2009 (Annexure 4 to the Writ Petition) also, it has, interalia, been stated that the said G.D.H.G. College, Moradabad is at a distance of about 78 Kilometers from the place of the petitioners.

15. In my view, the distance of 78 Kilometers cannot be said to be a long distance to be covered by the petitioners so as to create any hardship to the petitioners in appearing in the examination. No statutory provision has been brought to the notice of the Court requiring the said University to provide selfcentre in respect of each Institution affiliated to the said University.

16. A perusal of the List dated 25.2.2009 (Annexure No. 3 to the Writ Petition) shows that 32 Institutions, which are self financed/Government Institutions, have been given examination centres in other Institutions.

17. In the circumstances, the petitioners cannot have any grievance that only the Institution in question, namely, M/s. Muslima Girls Degree College, Sir Syed Nagar, Karula, District Moradabad has been arbitrarily picked up by the said University.

18. Sri Khanna has referred to the representation dated 27.2.2009, wherein it is, interalia, stated that a news was published in the Newspaper "Dainik Jagran" that examination centre of the girlexaminees should not be more than 5 Kilometers away. A photostat copy of the said news which referred to some Government Order has also been pasted on the said representation. However, no Government Order or statutory provision, which may be applicable to the said University, has been brought to the notice of the Court. No reliance can be placed on the news published in the Newspaper "Dainik Jagran" in the absence of supporting documents to show that there is any prohibition in regard to the examination centre being given more than 5 Kilometers away.

19. There is one more aspect of the matter. The examinations are scheduled to be held with effect from 5.3.2009, and as per the submissions of Sri Khanna, learned Counsel for the petitioners, the examinations of the petitioners are going to commence with effect from 7.3.2009. In the circumstances, I am of the opinion that it is not a fit case for interference under Article 226 of the Constitution of India as any interference by this Court will jeopardise the entire examination process at such a late stage.

20. In view of the above, I am of the view that the Writ Petition lacks merits, and the same is liable to be dismissed. The Writ Petition is, accordingly dismissed.