

(2011) 09 RAJ CK 0036

In the Rajasthan High Court

Case No : Civil Miscellaneous Stay Application No. 10865 of 2011 in Civil Writ
Petition No. 11817 of 2011

Ali Hasan Khan and Others

APPELLANT

Vs

The State of Rajasthan and Another

RESPONDENT

Date of Decision : 05-09-2011

Acts Referred:

Citation : (2011) 09 RAJ CK 0036

Hon'ble Judges : Narendra Kumar Jain, J

Bench : Single Bench

Judgement

Narendra Kumar Jain, J.—Heard the learned Counsel for Petitioners.

2. learned Counsel for Petitioners submitted that Respondents recognised the examination of "Adeeb" from Jamia Urdu, Aligarh as equivalent to examination of Secondary Education. Petitioner No. 1 passed the "Adeeb" Examination in the year 2008, Petitioner No. 2 to 16 in the year 2010 and Petitioner No. 17 in the year 2009 from Jamia Urdu, Aligarh. Petitioners came to know from a daily newspaper dated 12.07.2011 about a notice given by Respondent No. 2 mentioning therein that on the recommendations of the Committee constituted by the Board, they have cancelled the recognition order of Jamia Urdu, Aligarh vide order dated 22.06.2011 and No. eligibility certificate shall be issued to the candidates, who will pass the examination from Jamia Urdu, Aligarh.

3. It is further contended that Petitioners passed their examinations before the above order dated 22.06.2011 withdrawing the recognition of Jamia Urdu, Aligarh. It is also contended that Petitioners served a notice on the Respondents through their Counsel on 26.08.2011 (Annexure-4) to issue requisite certificates as they passed their examinations in the year 2008, 2010 and 2009, but neither reply to notice has been given nor certificates have been issued.

4. During the course of arguments, it was pointed out that Respondent-Board has already issued certificates to number of candidates, who have passed the

said examination from Jamia Urdu, Aligarh in the year 2008, 2009 and 2010 before issuing the aforesaid notice. It has also been pointed out that one similarly situated candidate, namely Parmila Devi Sharma, who passed the examination of "Adeeb" in the year 2010, has been granted eligibility certificate and case of Petitioners is similar to that of Parmila Devi Sharma. He, therefore, contended that either Respondents may be directed to issue eligibility certificates to Petitioners or to decide their Legal Notice sent to Respondents.

5. I have considered the submissions of the learned Counsel for Petitioners and examined the documents annexed with the writ petition.

6. I have also considered the similar controversy in S.B. Civil Writ Petition No. 10117/2011- Habibur Rehman and Ors. v. The State of Rajasthan & Anr., decided on 08.08.2011. Therefore, for the reasons mentioned in the order dated 08.08.2011 in Habibur Rehman's case(surpa), the present writ petition is liable to be disposed off.

7. After considering all the facts and circumstances of the case, I am of the view that ends of justice will meet, in case Respondents are directed to consider and decide the case of Petitioners within a period of one month from the date of receipt of copy of this order.

8. Petitioners are directed to serve an extra copy of legal notice sent by them or fresh representation along with copy of this order to the Respondents, who are directed to decide the same within a period of one month from the date of receipt thereof.

9. With the aforesaid liberty, observations and directions, the writ petition stands disposed off.

10. Since the writ petition itself has been disposed off, therefore, this stay application also stands disposed off.