
(1999) 07 RAJ CK 0036

In the Rajasthan High Court

Case No : Civil Writ Petition No. 1025 of 1998

Alka Vyas

APPELLANT

Vs

Principal, Rajkiya Sharirik Shiksha Mahavidhyalaya and
Others

RESPONDENT

Date of Decision : 14-07-1999

Acts Referred:

Citation : (1999) 1 WLN 668

Hon'ble Judges : B.J. Shethna, J

Bench : Single Bench

Final Decision : Allowed

Judgement

B.J. Shethna, J.—The petitioner student passed the Senior Secondary Examination from the Board of Secondary Education, Ajmer in the year 1996 in IInd Division, therefore, she was qualified and eligible to get admission in C.P.Ed. (Certificate of Physical Education). She submitted an application with all requisite documents. She was taking part in different sports, therefore, she was entitled for 10 bonus marks. The merit list was prepared and she was at number 35. She was called for interview, but thereafter, her name was not included in the list, therefore, she enquired from the respondents as to why her name was not included. Thereupon, she was told that there was a discrepancy regarding her date of birth of 23.3.1979 in the certificate (Annex.4) instead of 23.12.1978, therefore, she has not been given admission. The petitioner was never informed in writing about this, therefore, she had filed this petition against oral order of denial of admission.

2. While admitting this petition, by way of interim order the petitioner was permitted to join the course. She has completed the course and also given the examination. The result of which is made subject to the result of this petition.

3. There is a voluminous evidence on record of the case regarding her correct date of birth which is 23.12.1978. Except one certificate (Annex.4), wherein, due

to typographical error her date of birth was mentioned as 23.3.1979 instead of 23.12.1978. It is only on this ground that she was denied admission. She was not at fault for the error appeared in the certificate (Annex.4). As soon as she came to know about this mistake she had immediately approached the authority for correcting her date of birth. During the pendency of this writ petition the correct date of birth certificate is also annexed at Annex.8. Thus, no grievance survives. Even if her date of birth certificate (Annex.4) was not correct then also I am of the opinion that she was entitled for admission, and she was wrongly denied admission. When there are other certificates including the school leaving certificate showing her correct date of birth as 23.12.1978 then merely because there is a typographical error only in one certificate about the State Level Participation then only on that ground the respondents could not have denied admission to the petitioner.

4. In view of the above discussion, this petition is allowed. By way of interim order the petitioner was allowed to join the course" and study. She has completed her course and also given examination. When the petition is allowed the consequential order must follow and accordingly the respondents are directed to declare the result of the petitioner for the C.P.Ed. Course 1997- 98 forthwith.

5. Accordingly, this petition is allowed.