
(2001) 02 RAJ CK 0102
In the Rajasthan High Court
Case No : Civil Writ Petition No. 5343 of 2000

Asha Choudhary

APPELLANT

Vs

University of Rajasthan

RESPONDENT

Date of Decision : 12-02-2001

Acts Referred:

Citation : (2001) 2 RLW 1172 : (2001) 3 WLC 356

Hon'ble Judges : Gyan Sudha Mishra, J

Bench : Single Bench

Advocate : Prahlad Sharma, for the Appellant; R.A. Katta, for the Respondent

Judgement

MISRA, J.—The petitioner-Asha Choudhary is a student of M.A. Previous (Hindi) who sought admission into this course for the Session 1999-2000 in Shri Bhawani Niketan Women College, Sikar Road, Jaipur. The M.A. Previous course of Hindi consists of 4 papers and the 4th paper as per syllabus is optional which consists of study of any one Indian Languages viz. Urdu or Marathi or Bengali or Gujrati. The petitioner opted for Gujrati as her optional paper for M.A. (Previous) and indicated so in her admission form. It appears that the facility for the study of the subject "Gujrati" was not available in the College, yet she was granted admission into the course by the Principal of the College on the assurance to the petitioner that although she would not be able to attend regular classes in the subject, she would have the liberty to prepare for this paper on her own. Thus, the petitioner although was a regular student of M.A. (Previous), the optional paper was studied by her without attending the regular classes and ultimately at the time of examination she filled in the examination form indicating "Gujrati" as her optional paper. This created a problem-zone as during the examination, no question paper for Gujrati was sent to the College although the examination form of the petitioner had been accepted by the University. Consequently, the petitioner could not appear in the optional subject "Gujarati" in her M.A. (Previous) examination and her career thus was put at stake.

(2). The petitioner, therefore, had to knock the doors of justice by filing this writ

petition wherein it was contended that although she had been granted admission into the College with Gujarati as her optional paper in the M.A. (Previous) examination, yet she was restrained from appearing in the examination for the M.A. (Previous) although she duly appeared in all the other three papers of the course.

(3). A show cause notice was, therefore, issued to the University of Rajasthan which came out with an explanation that the study of "Gujarati" as an optional paper was not provided in Shri Bhawani Niketan Women college, Sikar Road, Jaipur and a letter was sent by the Principal of the College that the petitioner should be treated as a student of "Ap-Bhransh" as per optional paper. The petitioner obviously contested this claim made on her behalf by the College and submitted that once she was admitted into the College with "Gujarati" as her optional paper and she also filled in the examination form showing Gujarati as her optional paper, she could not be compelled to appear for "Ap-Bhransh" as her option paper. The University of Rajasthan on its part, came up with an explanation that in view of the letter of the Principal of the College which informed the University that the petitioner had inadvertently filled in the examination form by staling Gujarati as her optional paper, she should be treated as a student of "Ap- Bhransh" and thereafter since the petitioner did not appear in the paper of "Ap-Bhransh", the University of Rajasthan had to declare the result of the petitioner showing her absent in "Ap- Bhransh" paper as such she could not be declared successful.

(4). It is apparent from the aforesaid facts that the petitioner at the threshold could have been denied admission into the course with "Gujrati" as her optional subject as the facility of study for such course was not available in the College but it also equally appears that the admission form of the petitioner was accepted on a mutual understanding between the Principal and the petitioner directing her to prepare her optional paper on her own and hence it was not expected of the Principal to write it to the University after the form was filled that the petitioner inadvertently filled in the form with Gujrati as an optional subject to her peril as the Principal could have candidly informed the University about the mutual arrangement between the petitioner and the Principal of the College on which the admission was granted. The petitioner's credential could not be doubted in regard to her explanation that she continued with the course due to permission granted by the Principal as in that case the Principal could have rejected her admission form but it is clear that the petitioner was duly admitted into the College and also filled in the examination form with Gujrati as her optional paper and she also clearly stands by it.

(5). Inspite of service of notice on the Principal of the College, the Principal has chosen not to appear before this Court, but it is clear that she did not inform the University clearly about the situation and came out with her own explanation by staling the petitioner's optional paper was "Ap-Bhransh" and that she had filled up the examination form inadvertently by showing "Gujrati" as her optional

subject, whereas the petitioner has come up with a clear case that it was not filled up in- advertently but she had filled in the form with the clear understanding since she had been permitted to study "Gujrati" as an optional paper which she had to prepare on her own, without attending the Gujarati classes in the College. The whole fault therefore in my view clearly lies with the Principal of the College, who failed to place the full facts before the University as in that case the University would have been compelled to set a question paper of Gujarati and to send it to the College, if the letter of the Principal with incorrect facts had not been sent to the University. Once the Principal of the College admitted the petitioner-student into the College by accepting her admission form wherein it was unequivocally written "Gujrati" as her optional paper, then in that case the Principal of the College was duly bound either to reject her admission into the College or "provide facility of study of "Gujrati" by providing a teacher of that subject in the College and it was certainly not expected of her to write it to the University that the subject of Gujarati in the examination form was inadvertently filled in. Thus, the incorrect facts which were stated by the Principal of the College could not have been attributed to the petitioner as she all- though has been stating that Gujarati is her optional paper in M.A. (Previous) which as per syllabus, she was entitled to opt. The Principal under the circumstances is fully responsible for all this confusion which ultimately is suffered by the petitioner and therefore, a way-out has to be chalked out to wriggle out the petitioner from this situation. I therefore deem it appropriate to direct the College and the University to permit the petitioner to appear in Gujarati paper in the next ensuing examination of the University in the year 2001 as and when it is conducted.

(6). The University of Rajasthan therefore, is directed to send "Gujrati" question paper for M.A. Previous (Hindi) to Shri Bhawani Niketan Women College, Sikar Road, Jaipur for the Session 2000-2001 in which the petitioner has been directed to appear and thereafter, the result of the petitioner for the "Gujrati" paper be also declared at the appropriate time after the examination is over,

(7). The writ petition accordingly stands allowed but in the circumstances the Principal of Shri Bhawani Niketan Women College, Sikar Road, Jaipur is directed to pay a cost of Rs. 5,000/- (Rupees Five Thousand) to the University of Rajasthan for issuing a letter from her College with incorrect averments and choosing not to appear before this Court inspite of service of show cause notice giving rise to this litigation which could have been avoided.