

(2013) 12 P&H CK 0062
In the Punjab And Haryana At Chandigarh
Case No : CWP No. 25972 of 2013

Bhavna and Others

APPELLANT

Vs

State of Haryana and Others

RESPONDENT

Date of Decision : 20-12-2013

Acts Referred:

Citation : (2014) 2 SCT 127

Hon'ble Judges : Rakesh Kumar Jain, J

Bench : Single Bench

Advocate : R.K. Malik and Mr. Ramandeep, for the Appellant; Pratap Singh, Addl. A.G., Haryana and Mr. D.K. Khanna, Advocate, for the Respondent

Final Decision : Dismissed

Judgement

Rakesh Kumar Jain, J.—The prospectus for B.Ed. (Regular Course) 2013-14 was issued for admission in all the Universities of Haryana, namely, Kurukshetra University, Kurukshetra, M.D. University, Rohtak and Ch. Devi Lal University, Sirsa. Ch. Devi Lal University, Sirsa, was

authorized to conduct counselling for all the colleges affiliated to the said Universities. The petitioners applied for admission in B.Ed. course vide

registration Nos. 506802, 509051, 506554 and 427993 respectively, deposited requisite fee but could not get admission in the colleges opted by

them because seats were already filled. The petitioners approached respondent No. 3 to allow them to change their choice of college where seats

were still lying vacant. It is alleged that on their request, the Registrar of respondent No. 3-University requested the Director General, Higher

Education, Haryana, that certain seats are still lying vacant and the candidates who had applied in time may be permitted to take those seats. It is

further alleged that though the request was made on 25.10.2013 but no response has been given by respondent No. 2 so far. Counsel for the petitioners has submitted that as per letter of the Registrar of respondent No. 3-University dated 25.10.2013, admissions were made in Phase-I (Govt./Govt. Aided colleges), Phase-II (Self-Financing Colleges) and Phase-III (Govt./Govt. Aided & Self-Financing Colleges) upto the last date i.e. 15.10.2013, as approved by the State Government. The status of admission in the Colleges of Education in the State of Haryana through centralized counselling was that there were 2515 seats in Govt./Govt. Aided colleges against which 2471 students were admitted and 44 seats are lying vacant and against 58670 seats of the Self-Financing Colleges, 57641 students were admitted and 1029 seats are lying vacant. It was also mentioned that approximately 2370 students applied in Phase-III against approximately 20000 seats but allotment of seats could not be made due to excess number of applications for some colleges. It is further submitted that in the earlier sessions, admissions in B.Ed. course were continued up to the middle of December and has made a reference of two decisions of this Court in the case of Association of Education Colleges (Self Financing) of Haryana v. State of Haryana, CWP No. 17284 of 2008 decided on 21.11.2008 and in the case of Association of Education Colleges (Self Financing) of Haryana (Regd.) v. State of Haryana and others, CWP No. 11272 of 2009 decided on 17.02.2010, to contend that admission has been given in the past with certain conditions even after the cut off date.

2. After notice, reply has been filed by respondent Nos. 1 and 2 in which it is alleged that the State Government has authorized respondent No. 3-University for counselling/admission in B.Ed. course for the session 2013-14 and approved the prospectus of B.Ed. admission vide letter No. 18/322-2008 UNP(2) dated 30.07.2013 in which it is clearly mentioned that the conditions regarding eligibility/qualification prescribed by the NCTE shall be adopted. The schedule for admission was also categorically given in the prospectus, which is as under:--

3. It is also not denied that the Registrar of respondent No. 3-University, vide letter dated 25.10.2013, informed about the admission made in all the three phases up to the last date i.e. 15.10.2013, as projected by the petitioners. However, it is alleged that the request of the Self-Financing

Colleges for one more counselling for filling up the remaining vacant seats has been declined by the Government vide letter No. 5/68-2013

UNP(3) dated 12.12.2013, after due consideration. It is alleged that the admissions are made up to the fixed date, which cannot be extended on

the request of the colleges or the students because the admission cannot go on forever especially when it is regarding one year course. The regular

classes as per schedule were started on 16.09.2013. 3 months have already been passed and if admissions are allowed at this stage, it would not

be possible for the students to complete the required number of teaching days especially when the final examinations for the B.Ed. course are

scheduled to be held w.e.f. 16.06.2014. In respect of the directions issued by this Court in CWP No. 17284 of 2008 and CWP No. 11272 of

2009, it is submitted that the State Government issued a mechanism to fill up unfilled seats of Haryana Domicile Candidates from All India

Category of the B.Ed. course for the year 2010-11, which is already mentioned in the prospectus of B.Ed. Course for the session 2013-14.

4. It is also alleged that this Court has already dismissed number of similar writ petitions bearing CWP No. 524 of 2012 titled as ""Tarun Education

Society and others v. State of Haryana and others"", CWP No. 580 of 2012 titled as ""Hari Singh Nalwa Trust Ujha District Panipat v. State of

Haryana and others, CWP No. 2503 of 2012 titled as ""S.N. College of Education, Ambala Road, Near Police Naka, Jagadhri, Yamunanagar v.

State of Haryana and others"" and CWP No. 3196 of 2012 titled as ""Seth Banarsi Dass Charitable Society, Pipli Road, Kurukshetra and others v.

State of Haryana and others"" on dated 21.02.2012. It is also alleged that permission cannot be granted to fill up the vacant seats on the asking of

the colleges or the students to maintain minimum 180 days compulsory teaching as per UGC norms, which are of mandatory nature and would not

be possible even if all Saturdays, Sundays and holidays are included.

5. I have heard learned counsel for the parties and perused the record.

6. It is not disputed that University Regulations require 180 compulsory teaching days for a student to appear in the final examination of the B.Ed.

course. This petition is filed on 24.11.2013 with a prayer for a direction to the respondents to fill up the vacant seats of B.Ed. course, whereas the

actual classes have already been started w.e.f. 16.09.2013 and examinations are

scheduled to be held w.e.f. 16.06.2014 and if the admissions are given now, the petitioners would not be in a position to complete 180 teaching days, as prescribed by the UGC. As regards the order passed in CWP No. 17284 of 2008 is concerned, in that case, there were 28000 seats vacant in 450 colleges in the State of Haryana even after counselling, therefore, writ petition was partly allowed with certain conditions. All these aspects have been looked into by this Court in CWP No. 524 of 2012 titled as ""Tarun Education Society (Regd.) and others v. State of Haryana and others"" decided on 21.02.2012 and the prayer made for filling up the vacant seats has been declined. Thus, in view of the aforesaid discussion, I do not find any merit in the present writ petition and hence, the same is hereby dismissed.