

(2005) 09 JH CK 0028
In the Jharkhand High Court
Case No : Writ Petition (C) No. 4404 of 2005

Bishmdeo Prasad

APPELLANT

Vs

Ranchi University and Others

RESPONDENT

Date of Decision : 13-09-2005

Acts Referred:

Citation : (2006) 1 JCR 81

Hon'ble Judges : M.Y. Eqbal, J

Bench : Single Bench

Advocate : S.K. Deo, for the Appellant; A.K. Mehta, for the Respondent

Final Decision : Allowed

Judgement

M.Y. Eqbal, J.—Heard the parties.

2. In this writ petition, petitioner has prayed for quashing the provision/condition as contained in prospectus issued by Kartik Oraon B.Ed. College, Gumla, whereby the petitioner has been debarred on certain circumstances from taking admission in B.Ed. Course and further prayer has been made for directing the respondents to take admission of the petitioner in B.Ed. College as he has been qualified for the same.

3. Petitioner applied for admission in B.Ed. Course in B.Ed. College, Gumla and his name was published in the newspaper as successful candidate for admission. However, when the petitioner submitted the Department Leaving Certificate (DLC) the respondents refused to take admission on the ground that as per condition put in the note of the prospectus he is not eligible to take admission in B.Ed. Course.

4. Counter affidavit has been filed and the only stand taken in the counter-affidavit is that the petitioner had enrolled in the Post-Graduate studies. It is stated that the candidates of the background as mentioned in Clause 3 of the note will not be considered for admission. Note provided in the prospectus reads

as under :

Candidates of the following-background will not be considered for admission.

1. Candidates who have appeared for the University examination and are awaiting results.
2. Candidates who have received the marks from the cross list only.
3. Candidates who have already been enrolled for other courses viz Computer Science, Management Training Programme, Competitive exams or any Post Graduate studies.
5. It is the specific case of the petitioner that after doing Post-Graduation, he took admission in the Ranchi University for doing M.A. in Sanskrit. After completing his course for the session 2003-05, he has already appeared in the examination and result is awaiting. DLC issued by the Sanskrit Department of the Ranchi University (An-nexure-3) supports the fact that the petitioner has already completed M.A. Course in the session 2003-2005 and his result is awaited; Admittedly, the present admission in the B.Ed. Course is being taken for the session 2005-07.
6. In my opinion, petitioner cannot be treated as a student who has already enrolled his name in another post-graduate studies. As a matter of fact, petitioner was entitled to Post-Graduate studies in 2003 and completed the course in 2005 and thereafter appeared in the examination, only the result is awaited. Rule 3 of the prospectus, therefore, cannot and shall not debar the petitioner for taking admission in session 2005-07.
7. For the aforesaid reason, this writ petition is allowed and petitioner is entitled to take admission for the session 2005- 07.