

(1995) 07 RAJ CK 0021
In the Rajasthan High Court
Case No : Civil Writ Petition No. 2396 of 1995

Brijesh Kumar

APPELLANT

Vs

Mohan Lal Sukhadia University

RESPONDENT

Date of Decision : 27-07-1995

Acts Referred:

Constitution of India, 1950 — Article 14, 226

Citation : AIR 1996 Raj 77 : (1995) 2 RLW 353 : (1996) 1 WLC 140

Hon'ble Judges : P.K. Palli, J

Bench : Single Bench

Advocate : M. Mridul and V.K. Mathur, for the Appellant;

Final Decision : Dismissed

Judgement

P.K. Palli, J.—The petitioner through this writ petition is desiring admission in the Bachelor of Engineering Degree Course in the quota reserved for the children of Ex-Servicemen.

2. It is said that admission is being denied to the petitioner on the ground that the father of the petitioner is not being considered to be of Rajasthan origin. The relevant portion from Annex. 1 in respect of the eligibility against the vacancies reserved for the wards of Ex-Servicemen prescribes that the candidate would be eligible only if he or she fulfils the conditions Nos. 1 and 2. Condition No. 1 is not relevant for the purposes of this case. However, the condition No, 2 which is relevant, is reproduced hereunder:--

"(2) Ex-Serviceman should be of Rajasthan origin. The State of origin and the home town as entered in the discharge certificate shall only be accepted as proof in respect of above."

3. Mr. Mridul, Senior Advocate, learned counsel for the petitioner submits that though the father of the petitioner was born in Village Niwri Kalan in the State of Uttar Pradesh but had his continuous service in Jodhpur right from the year 1979 till his discharge except for a brief period when he was on duty in Punjab and

after retirement his family settled in Jodhpur. It is next contended that the entire education of the petitioner has been at Jodhpur itself and thus, the petitioner and his father are bona fide residents in the State of Rajasthan for the last several years. In the P.E.T. Examinations held in 1995 as per result declared the petitioner was placed at No. 6 in the category of "Wards of Ex-Servicemen". It was at the stage when the petitioner was called upon to produce the certificate of discharge of his father that he was denied the admission on the basis of the above said condition. Learned counsel for the petitioner further relies on instructions for the guidance of the candidates appearing in the P.E.T., 1995 and therein the candidates seeking admission are eligible in case they have studied continuously for two years as a regular student in a recognised educational institution in Rajasthan or father is a bona fide resident of Rajasthan and the candidate has studied for at least 5 years in a recognised educational institution in Rajasthan, or he or she is a son/daughter of a serving employee who has put in at least 3 years' service on the last date for submission of application or retired employees of the Government of Rajasthan and other undertakings and corporations. On the analogy of these guidelines, learned counsel proceeds to submit that the aforesaid condition has to be either struck down or be read down so as to be in consonance with these guidelines.

4. After hearing the learned counsel for the petitioner and after going through the conditions carefully I am unable to agree with his submissions. These guidelines apply to the candidates who are appearing in the general category. The petitioner is seeking admission under a specified category against the vacancies of wards of Ex-Servicemen only and for that purpose the University has framed these Conditions. The condition appears to be aimed at giving seats only to those students whose father is of Rajasthan origin. Rajasthan is a backward State and the whole idea of making this provision is only to help those students who come under that category. The provision, thus, appears to be just and proper and does not suffer from any vices. The condition further cannot also be read down in the manner the learned counsel desires the Court to read it.

5. Learned counsel for the petitioner has also pressed in service a decision of the Hon"ble Supreme Court of India rendered in Dr. Yogesh Bhardwaj Vs. State of U.P. and others,

6. After having read this decision, I do not think it advances the case of the petitioner.

7. The writ petition is, consequently, ordered to be dismissed at the admission stage.