
(2014) 07 MP CK 0076
In the Madhya Pradesh High Court
Case No : WP No. 2684/2014

Devesh Gautam

APPELLANT

Vs

The MP Board of Secondary Education

RESPONDENT

Date of Decision : 16-07-2014

Acts Referred:

Citation : (2014) 07 MP CK 0076

Hon'ble Judges : S.K. Gangele, J;B.D. Rathi, J

Bench : Division Bench

Advocate : D.P.S. Bhadauria and R.B.S. Tomar, Advocate for the Appellant; A.K. Nirankari and Mayank Vajpai, Advocate for the Respondent

Final Decision : Allowed

Judgement

1. Heard.
2. Grievance of the petitioner in this petition is that the petitioner has arbitrarily not been permitted to appear in D. Ed. Second Year Examination.
3. The petitioner was admitted in D. Ed. Course which is a two-years course, at respondent No. 3-Institution as a regular student in the academic session 2010-2011. He appeared in D.Ed. First Year Examination conducted by the Board in the month of September, 2011. He failed in one paper, hence, he could not appear in second chance because the petitioner was ill. Again, the Board conducted the Examination in the month of December, 2012. The petitioner appeared in the aforesaid Examination and he cleared the paper of Mathematics and ITE teaching in March, 2013. The form of the petitioner was not uploaded by the Board for the purpose of D.Ed. Second Year Course on the ground that the petitioner did not clear D.Ed. First Year Examination within two attempts. Hence, he was not eligible to take admission in D. Ed. Second Year Course.
4. The Board, in its reply, pleaded that the petitioner was not eligible to appear in D.Ed. First Year Examination in three chances because in first chance the petitioner could not clear the paper of D.Ed. First Year Examination and further,

he could not appear in second chance of D.Ed. First Year Examination because he was ill. As per policy of the Board, a student is eligible to get only two chances to clear the Examination. In support of the aforesaid contention, the Board relied on Annexure R/1-1. Relevant clause of Annexure R/1-1 is as under:-

5. The aforesaid clause was amended by order by the Board vide order dated 17-12-2012 and following provisions were made by the aforesaid order in regard to D. Ed. Examination:-

6. From perusal of the aforesaid order, it is clear that the Board has relaxed restrictions in regard to granting two opportunities to the students in D.Ed. First and Second Year Examination. In such circumstances, it was obligatory on the part of the Board to upload the form of the petitioner in Website for D.Ed. Second Year Examination. Apart from this, the petitioner was ill, so he could not avail the second chance and the Board itself permitted the petitioner to appear in D.Ed. First Year Examination treating him as second chance. On this ground also, the petitioner is eligible to appear in D.Ed. Second Year Examination.

7. Consequently, the petition is allowed. The Board is directed to permit the petitioner to appear in D.Ed. Second Year Examination if he fulfills other criteria and his form be also uploaded on the Website.

8. No order as to costs.

9. Certified copy today.