

(2014) 11 KAR CK 0251

In the Karnataka High Court

Case No : Writ Petition Nos. 26941-26955/2014 (EDN-REG-P)

Dilraj E.

APPELLANT

Vs

The Registrar

RESPONDENT

Date of Decision : 07-11-2014

Acts Referred:

Citation : (2014) 11 KAR CK 0251

Hon'ble Judges : A.S. Bopanna, J

Bench : Single Bench

Advocate : Shivarudra, Advocate for the Appellant; Pramodini Kishan, HCGP, N.K. Ramesh and T.P. Rajendra Kumar Sungay, Advocate for the Respondent

Judgement

A.S. Bopanna, J.—Sri N.K. Ramesh, learned counsel to accept notice for respondent No. 1. Smt. Pramodini Kishan, HCGP, to accept notice for respondent No. 2. They are permitted to file their vakalath/memo of appearance within four weeks.

2. The petitioners are before this Court seeking for issue of mandamus to the 1st respondent to approve their admissions for the Academic Year 2013-14 for B.Pharm Course and also seek permission to appear for the forthcoming examination of B.Pharm commencing from 19.06.2014.

3. The third respondent is the Institution wherein the petitioners are stated to have secured admissions for the B.Pharm Course. The pleading would indicate that according to the petitioners, their admissions have been made well within the date prior to which the admissions were to be made as per the relevant Notification. The petitioners would however contend that the details pertaining to the petitioners could not be uploaded by the third respondent due to certain technical difficulties. It is in that view, the petitioners are before this Court seeking for a direction that the admissions of the petitioners be approved and permission to appear for the forthcoming examination of B.Pharm commencing from 19.06.2014 by the first respondent.

4. Insofar as the issue relating to the admission in cases where the particulars had not been furnished by the respective Colleges within time had been considered by this Court in several cases and more particularly, in W.P. Nos. 38003-38009/2014 dated 06.08.2014 wherein a direction had been issued to the respondent-University to approve the admission, subject to the College concerned paying penalty of Rs. 2,000/- in respect of each student and the students meeting the eligible criteria. A similar consideration, no doubt, requires to be made in the instant case also. However, the learned counsel appearing for the first respondent would point out that in the instant case, though the third respondent College contends that the name of the students which have been indicated in the petitions had not been uploaded, in respect of the other students such uploading has already been made and therefore, this aspect of the matter requires to be kept in view.

5. Though that be the position, all that is necessary to be ascertained by the first respondent is as to whether the admissions of the students concerned in these petitions were made prior to the last date provided under the Notification. Hence, on that aspect, the College concerned would have to produce material before the first respondent to indicate that the students concerned have been admitted prior to the last date stipulated and all the formalities had been completed by the College concerned. The other eligibility criteria of the students shall also be established.

6. On the said documents being produced by the College, the first respondent shall accept, verify the same and approve the admissions, subject to payment of Rs. 2,000/- in respect of the students concerned. If on the other hand, there is any legal impediment, the same shall be specified and appropriate endorsement be issued to the Institution/student.

7. Since it is submitted that a Committee for the said purpose has been formed by the first respondent, the particulars be placed before the Committee and appropriate decision be taken. Considering the fact that the examination is fast approaching and in order to protect the interest of the students and at the same time to ensure that the respondent-University is also satisfied with regard to the admissions being made prior to the last date and the students meeting the eligibility criteria, the respondent-University is to be directed to permit the students concerned to appear for the ensuing examination, subject to verification of the documents. Necessary fee in that regard shall be collected and the admission ticket is also to be issued.

8. In the meanwhile, the college concerned shall submit the documents to the University. On verification of the documents, if the respondent-University is satisfied that the admissions are made as per the procedure and the students concerned are also meeting the eligibility criteria, the University will thereafter declare the result of the students and also regularize the admissions so as to enable the students concerned to complete the course.

9. In the result, the following:

ORDER

"i) The concerned college shall submit all records relating to the students concerned to the respondent-University to establish that the admissions have been made as per the procedure and the students are also meeting the eligibility criteria. The University shall examine the records and come to its conclusion on this aspect of the matter.

ii) Pending the above process, the University is directed to collect the examination fees, issue hall ticket and permit the concerned students to appear for the ensuing examinations which shall remain provisional and the result thereof will be declared only if the University satisfies itself that the verification of the documents disclose that the admissions have been made as per the procedure and the students are also meeting eligibility criteria. If such satisfaction is recorded by the University, the concerned students shall be permitted to complete the course in accordance with law and all documents necessary to be issued by the University viz., marks card and such other certificates shall thereafter be issued to the students concerned.

iii) The petitions stand disposed of accordingly."