
(2005) 09 UK CK 0007

In the Uttarakhand High Court

Case No : Writ Petition No. 780 of 2005 (M/B)

Girish Kumar

APPELLANT

Vs

Director of Animal Husbandry and Others

RESPONDENT

Date of Decision : 07-09-2005

Acts Referred:

Citation : (2006) 1 UC 232

Hon'ble Judges : Cyriac Joseph, C.J.; J.C.S. Rawat, J

Bench : Division Bench

Advocate : S.K. Mandal, for the Appellant; K.P. Upadhyaya, for State of Uttaranchal, Manoj Shah and Raman Kumar Shah, for the Respondent

Final Decision : Dismissed

Judgement

Cyriac Joseph, C.J.—The Petitioner is a Livestock Extension Officer in the Animal Husbandry Department of the Government of Uttaranchal. He is aggrieved by the denial of admission to him in the B.V.Sc. and A.H. Course conducted by the Govind Ballabh Pant University of Agriculture and Technology Pantnagar in the seats set apart for candidates sponsored by the Government of Uttaranchal.

2. According to the averments in the counter affidavit, the Petitioner was denied admission on the ground that he was not eligible for admission for want of the required minimum eligibility qualifications.

3. As per the Prospectus 2005-2006 issued by the University, out of 62 seats in the B.V.Sc. and A.H. course, 5 seats are reserved for candidates sponsored by the State Government of Uttaranchal. According to Appendix I of the Prospectus, in the case of Livestock Extension Officers nominated by Uttaranchal Government for the B.V.Sc. and A.H. course minimum eligibility qualifications are : (1) 50% marks in Intermediate Science with Biology with at least 50% marks in High School examination and (2) A pass in two years Diploma course in Veterinary Science and A.H. together with five years experience as Livestock Extension Officer or in a higher capacity; OR a pass in 1st Diploma course in Veterinary

Science and A.H. together with 7 years experience as Livestock Extension Officer or in a higher capacity. According to the Respondents, the Petitioner lacks the first qualification i.e. 50% marks in Intermediate Science with Biology with at least 50% marks in High School examination.

4. It is not disputed that when the Petitioner passed High School examination in 1988, he had not obtained 50% marks in High School examination. It is also not disputed that when the Petitioner passed Intermediate examination in 1990, he had not studied or taken examination in Science with Biology. However, the contention of the Petitioner is that after entering service as Livestock Extension Officer, with the permission of the department he appeared in additional subjects in High School examination in the year 2004 and in those additional subjects he obtained more than 50% marks. It is also stated that in the year 2002, the Petitioner appeared in Intermediate examination in three additional subjects - Physics, Chemistry and Biology and in that examination, he obtained more than 50% marks. Thus, the contention of the Petitioner is that in view of his obtaining more than 50% marks in additional subjects in the High School examination and in the Intermediate examination, he should be treated as eligible for admission.

5. We are not inclined to accept the contention of the Petitioner. Even though the Petitioner had appeared and passed in additional subjects in High School examination in 2004 and also in additional subjects in Intermediate examination in 2002, he has not produced any consolidated mark-list issued by the competent authority for the purpose of ascertaining the percentage of marks obtained by him in the High School examination and the Intermediate examination. In other words, there is no material to show whether and how the marks obtained by the Petitioner in the additional subjects will affect or change the result of the original High School Examination and Intermediate Examination. We do not think it is proper to treat the Petitioner eligible only on the basis of the marks obtained by him in the additional subjects. Whether a candidate has obtained 50% marks in Intermediate Science with Biology or 50% marks in High School Examination can be understood only from a mark-list issued by the competent authority in respect of the whole examination. The only complete mark-list in respect of the High School examination is the one which is produced as Annexure 2. Similarly, the only complete mark-list in respect of the Intermediate examination is the one which is also produced as Annexure 2. According to those mark-lists, the Petitioner has not obtained 50% marks and hence he is not eligible for admission.

6. It appears strange that the Petitioner appeared in the additional subjects of High School examination, 12 years after he had passed the Intermediate examination in 1990. We doubt whether it is permissible to allow a candidate to appear in the High School examination, though in additional subjects, after he has passed the Intermediate examination. It will be illogical and absurd to allow a candidate to appear again in the High School examination after he has passed the higher examination of Intermediate examination even if it is to improve the marks in the High School examination or to include additional subjects. If the

Petitioner's contention is accepted, a person will have to be allowed to appear in the High School Examination even after he has passed the Post Graduate examination. Since the authorities concerned are not Respondents in this writ petition, it is not possible to ascertain the circumstances under which the Petitioner was allowed to take examination in additional subjects of High School examination, 12 years after he passed the Intermediate examination.

7. In the above circumstances, we do not find any merit in the writ petition. The writ petition is dismissed.