
(1990) 01 KAR CK 0007
In the Karnataka High Court
Case No : Writ Petition No. 6331 of 1989

Jacob	Vs	APPELLANT
Bangalore University		RESPONDENT

Date of Decision : 10-01-1990

Acts Referred:

Citation : (1990) ILR (Kar) 741

Hon'ble Judges : Balakrishna, J

Bench : Single Bench

Advocate : Ravivarma Kumar, for S.R. Nayak, for the Appellant; M.N. Seshadri, for R-1, for the Respondent

Final Decision : Dismissed

Judgement

Balakrishna, J.—The petitioner is a student of Sanjay Gandhi College of Education, Vasanthanagar, Bangalore. He approached this Court for a Mandamus to the first respondent directing it to approve the admission of the petitioner to B.Ed., course for the academic year 1988-89.

2. The petitioner has passed his B.A., degree examination as an external candidate in the Osmania University. Admittedly being an external candidate, it cannot be said that the petitioner has studied in the educational pattern 10+2+3. The second respondent-College wrote a letter dated 18-2-1989 to the effect that the petitioner has in fact passed 10+2+3 pattern, but this statement of the second respondent is not supported by records. On the other hand, the marks card produced substantiates that the petitioner has passed as an external candidate only and does not show that he has studied in the stipulated pattern. In the letter dated 15-12-1988 which is Annexure-B, the Bangalore University notified the second respondent-College that the petitioner should be discharged since he is not entitled for admission having not completed his studies In his degree examination with 10+2+3 pattern.

3. The learned Counsel appearing for the petitioner submitted that the petitioner

has studied in 10+2+3 pattern and therefore he has acquired a degree which can be equated to a degree of Bangalore University and that the petitioner has obtained 46% of the aggregate marks in the final degree examination which is 1% above the aggregate of marks required for the purpose of admission.

4. According to the regulations for B.Ed, degree course as amended upto 4-11-1988, Regulation-1 reads as follows:-

"A candidate who has passed the Degree Examination of the Universities of Karnataka or any other University recognised as equivalent thereto obtaining 45% (40% in the case of candidates belonging to the SC/STs) of the aggregate marks in the final year of the Degree Examination or the equivalent Examination shall be eligible for admission to the B.Ed. Degree Course subject to certain other conditions imposed therein."

5. The only construction to be placed on this Regulation-1 is, that it is only the candidate who has passed the degree examination of any of the Universities of Karnataka with 45% of the aggregate marks in the final year degree examination shall be eligible for admission to the B.Ed., Degree Course and a candidate of any other University who has a similar degree recognised by Bangalore University as equivalent thereto obtaining 45% of the aggregate marks in the final year of the degree examination could be eligible for admission to the B.Ed., degree course.

6. Annexure-B is the letter addressed by the Registrar of Bangalore University to the Principal of the second respondent college and in the said letter the petitioner's name is mentioned against serial No. 55. On internal page 2 of the said letter, it is mentioned as follows:-

"The candidate has produced the marks card issued by the Secretary of External Examination, Board of External Examination, Osmania University, Hyderabad. The marks cards bearing Roll No. 46292 of 1984, 52607 of 1985 and 66853 of 1985 are verified and found that he has passed the B. A. Examination as external candidate from the Board of the External Examinations, Osmania University at one sitting. As per the regulations of the Bangalore University, a candidate who has passed the degree examination of the University of Karnataka or any other recognised examinations as equivalent thereto obtaining 45% of marks in the final year degree examinations are eligible for admission to B.Ed., course. That means those candidates who have passed 10+2+3 degree examinations are considered eligible for admission to B.Ed., degree course. The candidate in question has passed the B. A. examination as external candidate at one sitting and therefore he is not eligible for admission as per the regulations of B.Ed, course of Bangalore University. He may be discharged from the college after giving due notice under intimation to this office."

Either from the reading of Regulation I referred to above or the remarks contained in internal page 2 of Annexure-B, it cannot be said that the petitioner has been subjected to any injustice or discrimination. On the other hand, I am convinced that the petitioner does not enjoy the equivalent qualification required

for the purpose of eligibility for admission to the B.Ed, degree course. It is to doubt true that the petitioner has obtained 46% of marks but that alone will not entitle him for admission. Admittedly, the petitioner is an external candidate who took a degree in the Osmania University and equally so, there is no pattern of 10+2+3 in so far as an external candidate is concerned. The Bangalore University has taken a policy decision that a degree of the Bangalore University cannot be equated to a degree of an external candidate of the Osmania University after applying its own norms. It is not possible for this Court to go into the merits of the determination of equivalence in such a situation. It is apparently a matter which is internal and further a matter extraneous to the consideration of this Court. If Bangalore University has laid down that the candidate in question has passed B.A. Examination as an external candidate at one sitting and therefore he is not eligible for admission as per the Regulations of the B.Ed. Degree Course of the Bangalore University, the decision cannot be reversed by an order of this Court. In the circumstances of this case, I am fully convinced that the petitioner is liable to be discharged from the college and what has been done by the University is in consonance with law.

7. For the reasons stated above, the Writ Petition is dismissed. In the facts and circumstances of the case, there will be no order as to costs.