

(2017) 11 AHC CK 0009
In the Allahabad High Court
Case No : 28179 of 2017

Janhit Degree College

APPELLANT

Vs

State Of U.P. And 5 Others

RESPONDENT

Date of Decision : 06-11-2017

Acts Referred:

Constitution of India, Article 14 - Appointment of Commission to inquire into and report on the administration of autonomous districts and autonomous regions
National Council for Teachers Education Act, 1993, Section 32(2) - Power to make regulations

Citation : (2017) 11 AHC CK 0009

Hon'ble Judges : Sunita Agarwal

Bench : Single Bench

Advocate : Chhaya Gupta, Sujeet Kumar, Mangla Prasad?Rai, Rashmi Tripathi, Saumitra Singh

Final Decision : Disposed Off

Judgement

1. In this bunch of writ petitions various private institutions imparting B.Ed course in the State of U.P. and the candidates seeking admission to the said course are raising a common controversy with regard to the distribution of seats by the Counselling University namely the University of Lucknow in Arts and Science group in the ratio of 70:30, for the purpose of admission based on common admission test, on account of which, the admissions taken by the institution against the vacant seats (as per the approved intake) were cancelled.

2. Heard Sri Sujeet Kumar, Sri Nipun Singh, Sri Prateek Chandra, Sri Rohit Pandey, Ms. Chhaya Gupta, Sri Avadhesh Kumar Malviya, and Sri Ramesh Chandra Tiwari, learned Counsels for the petitioners in the present bunch and Sri Mangla Prasad Rai & Sri Avaneesh Tripathi, learned Counsels appearing for respondent Chaudhary Charan Singh University, Meerut.

3. Ms. Rashmi Tripathi, Bharat Pratap Singh appearing on behalf of respondent

N.C.T.E, Sri Ravi Agarwal said to have filed Vakalatnama on behalf of NCTE in some connected matters. Sri Saumitra Singh and Sri Mohit Singh, learned Counsels appear on behalf of Counselling University namely the University of Lucknow. Learned Standing Counsel appears for respondent no.1.

4. To appreciate the controversy at hands with regard to the categorization/ bifurcation of Arts and Science stream for the purpose of admission to B.Ed course, only the facts of the leading writ petition are being narrated hereinafter. There is no dispute with regard to the recommendation and affiliation granted to the institution concerned by the competent authorities and the approved intake for running B.Ed course. The petitioner-institution has been granted recognition for imparting B.Ed. course and was duly granted affiliation by the Chaudhary Charan Singh University, Meerut.

5. The dispute herein pertains to the Academic Session 2017-18. The last date for completion of Admission process as per the direction of the Apex Court was 15.07.2017. The B.Ed programme is a two years course. For admission to the said programme in the Academic Session 2017-18 (first year), the University of Lucknow has been authorized by the State Government to conduct Joint Entrance Examination. (Lucknow University is being referred hereinafter as the "Counselling University").

6. The contention of the petitioners institutions in the present bunch is that there is no contemplation in the recognition order passed by the National Council for Teacher Education (in short NCTE) and the affiliation order issued by the concerned affiliating Universities, (Chaudhary Charan Singh University in leading writ petition) regarding bifurcation of total intake in 70:30 ratio of Arts and Science Stream. No directions have been issued by the State Government in this regard. However, the Affiliating University on its own used to forward the list of the affiliated colleges, to the Counselling University, with the division of seats in Arts/Commerce and Science/Agriculture stream in different ratio for the purpose of admission. The dispute in this regard for the first time arose in the Academic Session 2007-08, when bifurcation was applied in the Joint Admission Test and centralized counselling was introduced. Till the year 2014-15, as per the prevalent practice, in case, seats of one stream remained vacant, the Counselling University used to allot candidates of other stream to the institution, in order to fill up the vacant seats. The students so admitted were allowed to undertake examination by the Affiliating University and their results were declared.

7. In the last Academic Session 2015-16 and 2016-17, for admission to B.Ed (first year) course, the same bifurcation was applied by the Counselling University. Large number of writ petitions were filed challenging the bifurcation of seats in Arts Streams (Humanities & Commerce) and Science stream (Science and Agriculture). A Single Bench of this Court vide judgement and order dated 14.07.2016 passed in Writ Petition No.31788 of 2016 (Janhit Degree College Vs. State of U.P. & others) had directed the Counselling University to permit the institution to fill the vacant seats of Science streams (Science & Agriculture)

directly, from any other branch, in the event of non availability of the students in the said stream. The dispute again arose in the current Academic Session i.e. 2017-when Joint Entrance Examination was conducted by the Counselling University.,

8. Sri Sujit Kumar and Sri Prateek Chandra learned counsels appearing for the petitioners at the very outset submits that the only issue of admission of candidates of Arts (Humanities and Commerce) against seats designated for Science (Science and Agriculture) stream is being raised in the present bunch in as much as, there is no justification for making such categorization/classification for admission to B.Ed. Course. All other issues relating to admission may be looked into by the Competent Authority.

9. They would vehemently submit that neither the NCTE Act nor the Regulations made thereunder provide for such bifurcation as against the approved intake nor any such condition had been mentioned in the affiliation order passed by the Affiliating University. The Counselling University has not been able to provide students of Science stream, as a result of which, sufficient number of seats in the institutions may go unfilled. The institutions and the students both are put to inconvenience every year in view of the irrational bifurcation applied by the Counselling University on the instructions of the Affiliating University. The State Universities cannot act on their own whims and fancies.

10. They would vehemently submit that the classification has been made without any rationale solely on the basis of the letter of the Affiliating University in this Academic Session 2017-18 namely the Chaudhary Charan Singh University. In the instant case, the list of institutions was submitted by the Affiliating University on 05.06.2017 for the purpose of counselling and the approved intake of the institutions had been bifurcated in 70:30 ratio (Arts : Science). The candidates after counselling were provided by the Counselling University adhering to the said ratio. However, it had not been able to provide sufficient number of candidates for admission against the 30% seats of Science and Agriculture. As a result of which, the institutions approached to the Counselling University to permit them to fill up vacant seats of Science stream from the candidates of Arts stream. The request made by the institutions was not acceded to. As a result of it, they have to approached this Court.

11. As all rounds of counselling over by then as per the time-schedule fixed by the Apex Court, an interim order was passed by this Court on 29.06.2017 directing the Counselling University to provide sufficient number of students and permit the candidates of Arts Stream to be admitted against the Science streams, in case, Pool counselling was held as per the decision of the Apex Court in the case of College of Professional Education & others Vs. State of U.P. & others reported in 2013(2) SCC 721. However, in some of the writ petition no interim order could be passed.

12. It appears that pool counselling of candidates appeared in Joint Entrance

Examination B.Ed. 2017 as per merit was held by the Counselling University and the second phase of pool counselling was completed on 13.07.2017. The seats in B.Ed course in different institutions still remained unfilled.

13. The press release dated 12.07.2017 was as such issued by the Counselling University permitting the institutions to take admission of candidates against the vacant seats left after second phase of counselling scheduled on 13.07.2017. A direction was simultaneously given to grant admission to those candidates who had appeared in the Joint Entrance Examination B.Ed. 2017, having State/general rank, but could not secure a seat in all phases of counselling. The institutions were required to advertise their respective vacant seats (subject wise) in the local daily news papers, college website and also on the college notice board. The institutions were required to make a list of the candidates who apply as per their merit and availability of seats in the required subject group. The list so prepared was required to be sent to the Registrar of the Counselling University within three days. It was mandatory for the institutions to send the list of provisionally admitted students through Email-ID: at the website namely helpline@gmail.co. on the online portal for verification. It was further directed that the admission of such candidates (admitted on its own by the institution) will be treated as provisional unless verified by the counselling University. The institutions were restrained from admitting any candidate out of the waiting list of Joint Entrance Examination B.Ed 2017.

14. The contention is that pursuant to the aforesaid press release, the petitioners-institutions issued advertisements in the daily newspapers, they prepared list and after taking provisional admission, had forwarded the said list to the Counselling University but the Counselling University did not approve the said admissions after verification. The main ground of rejection of the admissions taken by the institutions, on their own, is that they had admitted students of Arts stream (Humanities and Commerce) against the seats of Science stream (Science and Agriculture).

15. It appears that this Court vide order dated 06.07.2017 directed the Counselling University to verify the list forwarded by the institutions of those candidates who had participated in the common entrance examination, for adjustment against the unfilled seats, unless the institutions were legally not authorized to take admission for some other valid reasons.

16. On 12.09.2017, the orders to the similar effects were passed in various connected petitions.

17. It further appears that another press release dated 01.08.2017 was issued by the Counselling University and directions were issued to the following effect:-

(i). The admissions against the vacant seats permitted by it, would be taken by the institutions as per the guidelines issued by the State Government vide order dated 10.06.2015 and as the per the directives of the Apex Court;

(2) The admissions taken up-till 15.07.2017 would only be valid;

(3) All those institutions who had completed their admission process by 15.07.2017 but had not been able to submit the list of admitted candidates due to some unavoidable reason, had to submit a notarized affidavit of Rs.10/- Stamp paper to the effect that they had provisionally admitted the candidates by direct admission on or before 15.07.2017. The said affidavit was required to be submitted by the Principal of the respective institution;

(4) The institutions were also to submit the proof of fee receipt of provisionally admitted candidates duly verified by the Principal of the institution concerned to establish that they had completed admission process by the last date i.e. 15.07.2017.

18. It was clarified that on receipt of the said affidavit and proof of verified fee receipt only, verification/updation of the list submitted by the institutions would be done by the Counselling University.

19. The stand of the Counselling University in this regard is that the institutions were not permitted to take admission of candidates of one stream against the vacant seats of another stream.

20. In the counter affidavit it has been asserted that bifurcation of Arts and Science in the ratio of 70:30 was made on the instructions of the Affiliating University and not by the Counselling University on its own. The Government order dated 10.06.2015 has been filed to assert that the institutions were not authorized to take admission on their own, after 15.07.2017. The directions were issued by the Counselling University in strict compliance of the dictum of the Apex Court dated 13.12.2012 in the case of Maa Vaishno Devi Mahila Mahavidyalaya vs. State of Uttar Pradesh and others reported in 2013 (2) Supreme Court Cases 617 wherein 15th of July of the Academic Session concerned has been fixed for completion of admission process. The aforesaid Government Order dated 10.06.2015 had been issued in conformity with the said directive giving specific direction that no admission could be taken after 15 of July. The Counselling University cannot be said to have erred in refusing to verify the admission of those candidates who were admitted after the last date i.e. 15.07.2017.

21. As far as the grounds of challenge to the decision of the Affiliating University to bifurcate the approved intake in Arts/Science stream for admission to B.Ed. (first year) in the Academic Session 2017-18 concerned, the same remained un rebutted, in as much as no counter affidavit has been filed by the Affiliating University namely the Chaudhary Charan Singh University Meerut nor any argument were extended in this regard.

22. The stand taken by the Counselling University to the effect that the bifurcation of seats in Arts/Science stream was made on the list submitted by the Chaudhary Charan Singh University, Meerut is not disputed by Sri Mangala Prasad Rai and Sri Avinash Tripathi learned counsels representing the said University. They rather placed reliance upon the letter dated 07.07.2017 issued

by the Registrar, Chaudhary Charan Singh University, Meerut to submit that a decision in principle was taken to done away with the 70:30 ratio of Arts/Science stream pursuant to the interim directions of this Court whereby the Counselling University was asked to permit the candidates (of Arts streams) to appear in the pool counselling for admission against the seats of Science stream.

23. Only this much was submitted that the bifurcation was made in view of the break-up of seats given by the institutions to the Affiliating University.

24. The respondent no.1, the Principal Secretary, State of U.P., Higher Education has, however, not come forward to file any counter affidavit nor the learned Standing Counsel made any submission in this regard.

25. On the asking of the Court, the copy of the Admissionbrochure issued by the Counselling University and the syllabus of two years of Bachelor of Education (B.Ed) of the faculty of Education, Chaudhary Charan Singh University was supplied. The Government Order dated 10.06.2015 laying down norms for affiliation in the matter of admission to B.Ed course by the institution imparting teacher's training in Science stream i.e. the students having Science subjects upto graduate level, has been placed before the Court. All these documents have been taken on record.

26. The respondent NCTE in its counter affidavit has taken a categorical stand that so far as the maintenance of norms and standards for admission to B.Ed course is concerned, the NCTE has been given primacy being an expert body playing a pivotal role in maintaining the standards of teachers education by making regular research in the field with the help of experts in the field of teachers education i.e. the teachers training course programme. Norms and standards for recognition of institutions, commencement of new programme and addition of sufficient intake in the existing and additional programme have been laid down by the NCTE in the National Council for Teacher Education (Recognition Norms and Procedure) Regulations" 2014, framed in exercise of the power conferred by Sub section (2) of Section 32 of the NCTE Act 1993. The said Regulations came into effect from 28.11.2014. There is no provision of bifurcation of approved intake in Arts/Commerce or Science/Agriculture streams in the said Regulations. The decision regarding fixation of percentage of seats for Arts/Commerce or Science/Agriculture to be taken at the level of the State Governments in as much as, they are the agency concerned to balance the demand and supply of teachers in a particular stream, in their respective States.

27. Heard learned counsel for the parties and perused the record.

28. In view of the submissions of learned counsel for the parties, the only question which has arisen for consideration before the Court is as to whether the bifurcation of seats in Arts stream (Arts and Commerce) and Science stream (Science and Agriculture), made by the Counselling University for admission through Joint Entrance Test 2017 for B.Ed course, can be said to be made on reasonable criteria and the directions issued by the Chaudhary Charan

Singh University, Meerut in this regard can be sustained.

29. Indisputably, norms and standards for Bachelor Degree in teaching education (B.Ed course) are fixed by the NCTE Regulations, 2014. The NCTE has been established by the NCTE Act 1993 with a view to achieve planned and coordinated development for the teachers education system throughout the country and for regulation and proper maintenance of norms and standards in the teachers education system as per the State policy of education. The Regulations 2014 framed by the NCTE, in exercise of its power conferred by sub-section (2) of Section 32 of NCTE Act 1993, are applicable to all matters relating to teachers education programme i.e. for preparing norms and standards, procedure for recognition of institution, commencement of new programme and addition to sanctioned intake in the existing programme.

30. The eligible institutions are required to approach NCTE for grant of recognition which would be provided to them subject to fulfillment of the conditions provided in the Regulations. Appendix "4" as contained in the Regulation 9 of the Regulations 2014 provides the norms and standards for B.Ed Degree Course. It is a professional programme of teachers education with an aim to prepare teachers for three levels Upper primary or middle class (Class VI-VIII), secondary level (Class IX-X) and Senior Secondary level (Class XI-XII).

31. The B.Ed. curriculum is designed to integrate the study of subject knowledge, human development, pedagogical knowledge and communication skills, (as per the Clause 4.1 of Appendix 4 of the Regulations 2014). The B.Ed programme comprises of three broad curriculum areas; (1) Theory Course which includes;-

- (a) Perspectives in Education;

- (b) Curriculum and Pedagogic Studies;

- (2) Engagement with the Field/Practicum which includes;

- (a) practicum course;

- (b) Compulsory School Internship.

32. As per the syllabus for two years B.Ed programme, the theory courses i.e. Perspectives in Education include courses in the study of childhood, child development and adolescence, contemporary India and education, philosophical and sociological perspectives in education, theoretical foundations of knowledge and curriculum, teaching and learning, gender in the context of school and society, and inclusive education. The course in childhood studies is to enable students-teaches to acquire conceptualized tools of sociological analysis and hands-on experience of engaging with diverse communities, children and schools. The course on Contemporary India and Education is to develop the conceptual understanding about issues of diversity, inequality and marginalization in Indian society and implications for education with analyses of significant policy debates in Indian Education. The course on "knowledge and curriculum" will address the theoretical foundations of school knowledge from

historical, philosophical and sociological perspectives, with critical analysis of curricular aims and context and the relationship between the curriculum, policy and learning.

33. Thus the course (a) Perspectives in Education is aimed to equip the students-teachers to develop an understanding of demands of childhood and adolescence and the issue being faced by the children of said age group, economic and social background to whom they are supposed to teach in the school environment (formal education).

34. The theory course (b) Curriculum and Pedagogic studies includes aspects of language across the curriculum and communication, understanding of a discipline, social history of a school subject and its pedagogical foundations with a focus on the learner and a course on the theoretical perspective on assessment for learning. The design of the course is to enable the students-teachers to specialize in one disciplinary area viz Social Science, Science, Mathematics and Languages and a subject area from the same discipline, at one/two levels of school. The course is aimed to develop an understanding of the curriculum, linking school knowledge with community life in the student-teacher.

35. As provided in the syllabus, two papers namely PC-1 and PC-2 in theory course (b) namely Pedagogy of School subjects are being taught to the students-teachers in the first year of B.Ed course. They are free to take two subjects of his/her own choice. The course structure of pedagogy course (PC-1 and PC-2) speaks of the course objective which is to enable the students-teachers to understand the concept, nature and scope of the subject; get acquainted with appropriate methodology; acquire skills in teaching the subject; acquire knowledge of various evaluation procedures and to devise effective evaluation tools; acquire ability to develop an understanding and use of instructional support materials.

36. The pedagogic course PC-3 and PC-4 (being taught in the second year of B.Ed course) relate to Assessment for learning and optional courses like Educational Administration and Management; Guidance and Counselling; Environmental Education; Computer Education; Health, Physical Education and Yog and Life Style Management. The students-teachers are free to choose any of them.

37. The practicum course and school internship are compulsory in the B.Ed programme duration of which has been provided in the Regulations itself.

38. As per the brochure of admission to B.Ed course, the entrance examination comprises of two papers. First paper comprises of two subjects (a) General Knowledge; (b) Language (Hindi/English); Second papers comprises of (a) General Aptitude test; (b) Subject knowledge (Art, Science, Commerce, Agriculture)

39. The admission to B.Ed. course is granted to a candidate as per the merit of

the entrance examination prepared by the Counselling University, subject to fulfillment of all other eligibility criteria. Clause 3.2 of Appendix 4 provides eligibility as under:- "Eligibility

(a) Candidates with at least fifty percent marks either in the Bachelor's Degree and/or in the Master's Degree in Sciences/Social Sciences/Humanity, Bachelor's in Engineering or Technology with specialization in Science and Mathematics with 55% marks or any other qualification equivalent thereto, are eligible for admission to the programme.

(b) The reservation and relaxation for SC/ST/OBC/PWD and other categories shall be as per the rules of the Central Government/State Government, whichever is applicable."

40. Clause 4.2 of Appendix 4 relates to programme implementation for which, the institutions have to meet the specific demands to prepare a calendar for all school activities including internship. The ratio of Assessment as per clause 4.3 of Appendix 4 is 20% to 30% on the basis of marks assigned for continuous internal assessment in two theory course and 70% to 80% marks are for external examination. One-fourth of the total marks/weightage is to be allocated to assessment of practice teaching. The weightage for internal and external assessment is to be prescribed by the Affiliating University as per the criteria given above.

41. The minimum working period of the course as per clause 2 of Appendix 4 requires minimum attendance of students-teachers to be 80% for all course work and practicum and 90% for school internship.

42. Thus, a comprehensive study of the norms and standards fixed by the NCTE in Appendix 4 of Regulations 2014 for imparting teachers education programme leading to B.Ed course and the course syllabus prepared by one of the Affiliating University namely Chaudhary Charan Singh University makes it evident that the study of two schools subject namely Hindi/English/Sanskrit, Social Science, Mathematics, Physical Sciences, Biological Science, Computer Science, Home Science and Commerce (from four discipline areas) is aimed to equip the students-teachers to develop an understanding of method and practice of teaching (Pedagogy) of the subjects to be taught to the students from Upper primary or middle level (classes VI to VIII), to secondary level (classes IX and X) and Senior Secondary Level (classes XI to XII).

43. The student-teacher who completes B.Ed course are eligible for the purpose of appointment as Assistant teachers to the different levels (classes VI to XII), subject to fulfillment of qualification of teachers training course (B.Ed course) in addition to all other eligibility criteria as per the relevant statutes.

44. Apart from the list of institutions prepared by Chaudhary Charan Singh University (updated on 05.06.2017) (appended as Annexure no.S.A. "1" of the Supplementary affidavit in the leading writ petition) no other material has been

brought on record to indicate that there was a rationale in distribution of seats with the object of attaining the standards of teachers training programme or there was any urgent need of Science teachers for the three levels of schools i.e. Upper Primary, Secondary and Senior Secondary. It is not known as to whether any field study was conducted by the State regarding the demand of trained teachers in any of the stream Arts/Commerce; Science/Agriculture in the State of U.P. in view of the students-teachers produced by the institutions conducting teachers training programme.

45. There is no direction of the State or Affiliating University to put any such conditions for admission of 30% of the intake in the affiliation order considering the requirements of teachers in Science and Agriculture stream in the State of U.P.

46. The Government order dated 10.06.2015 [956-Sattar- 3-2015-B.Ed (05)-2014] pertaining to the amendment in the Regulations for admission to B.Ed course in affiliated/associated colleges of the University provides in paragraph no.41 and 4.2 as follows;- "VERNACULAR MATTER OMITTED"

47. The above mentioned list of institutions submitted by the Chaudhary Charan Singh University contains column (i) status of the institutions; (ii) aided/unaided; (iii) category of being co-education or only for female and (iv) the last column of number of seats bifurcated in Arts and Science category. Apart from the said information, nothing more has been mentioned therein.

48. Thus from a reading of the aforementioned two documents namely the list of institutions provided by the Affiliating University and the Government order dated 10.06.2015, only this much is reflected that most of the institutions imparting B.Ed. course in the State of U.P. are Co-educational, while some of them are meant for female candidates only. The institutions which are looking to impart B.Ed programme for the candidates in Science stream, having Science subjects at the graduation level, have to maintain a teacher-student ratio of 1:15 in B.Ed. department and further are required to possess infrastructure of either imparting course in Science subject up-to B.Sc level (i.e. running B.Sc. course) or having Science laboratory upto the High school level in B.Ed department or running an institution having recognition in Science subject upto High School level.

49. In any case, there is no justification for making categorization/classification of Arts (Humanities and Commerce) Science (Science and Agriculture) stream for admission to B.Ed. course i.e. teachers training programme.

50. In view of the above noted facts, the question arises for consideration as to whether the classification made by the Counselling University and the conditions laid down for admission to B.Ed course in different streams would be violative of Article 14 of the Constitution of India.

51. Article 14 speaks of equality but it does not forbid reasonable classification.

In order to pass the test of permissible classification, two conditions must be fulfilled namely (1) that the classification must be found on an intelligible differential which distinguishes the persons or things that are grouped together from others belonging to the same group; (2) that the differentia must have a rationale to the object sought to be achieved by the Statute or the scheme framed by the State.

52. While the classification may be founded on different basis but what is necessary is that there must be a nexus between the basis of the classification and the object of the provision under classification (reference R.K. Garg Vs. Union of India & others 1981 (4) SCC 675, Motor General Traders & another Vs. State of Andhra Pradesh & others 1984 (1) SCC 222.

53. Article 15 (5) permits reservation in admission of socially and educationally backward classes. The State Government of U.P, issued a legislation to provide special reservation (with horizontal reservation to the persons belonging to such category in their caste wise category i.e. SC/ST and OBC). Apart from the reservation provided by the legislation namely the U.P. Admissions to Educational Institutions (Reservation for Scheduled Castes, Scheduled Tribes and Other Backward Classes) Act, 2006, there is no other provision for reservation or classification in favour of a particular category candidate.

54. Ours is a welfare State, it cannot make discrimination or classification or provide restriction except in conformity with the principles noted above. Identifying 70% seats for Arts stream and 30% for science stream with further classification in the said streams for admission is without any basis which may have been reflected from the records.

55. The Court, therefore, reaches to an irresistible conclusion that the practice of classification/categorization for Arts/Science stream and Science stream and bifurcation of seats for the purpose of admission to B.Ed. course adopted by the Counselling University was without any basis having rationale with the object. There is no study or direction of the State Government looking to the requirement of such teachers in the State of U.P. The said practice has been adopted mechanically. No factual foundation has been laid down for adopting bifurcation of seats in the admission to B.Ed. Course.

56. Admittedly, the State-wise selection based on the common admission test and allocation of institutions to the candidates is merit wise. The institutions are required to grant admission strictly adhering to the merit list provided by the Counselling University, prepared in the Common Admission Test subject to fulfillment of all other eligibility requirements.

57. What logically follows is that there was no rationale for distribution of seats (Arts/Science, Male/Female) by the State for admission to D.El.Ed course, aimed to equip the students with teaching skills so as to meet the physiological, social and educational demand of the young adolescents. (students of class VI to XII). Such classification/distribution cannot be said to be based on an intelligible

differentia and as such cannot withstand the test of scrutiny of reasonable classification. The distribution of seats for admission to B.Ed course in Arts/ Science category is, therefore, held violative of Article 14 of the Constitution of India.

58. In a matter of *Minor P. Rajendran vs State Of Madras & Ors* 1968 AIR 1012, the question which came up for consideration before the Apex Court was whether the District wise distribution of seats for the purpose of admission to MBBS course was violative of Article 14 of the Constitution. It was held in paragraph no.11 therein, as follows:- "The question whether districtwise allocation is violative of Art. 14 will depend on what is the object to be achieved in the matter of admission to medical colleges. Considering the fact that there is a larger number of candidates than seats available, selection has got to be made. The object of selection can only be to secure the best possible material for admission to colleges subject to the provision for socially and educationally backward classes. Further whether selection is from the socially and educationally backward classes or from the general pool, the object of selection must be to secure the best possible talent from the two sources. If that is the object, -it must necessarily follow that that object would be defeated if seats are allocated district by district. It cannot be and has not been denied that the object of Selection is to secure the best possible talent from the two sources so that the country may have the best possible doctors. If that is the object, the argument on behalf of the petitioners/appellant is that that object cannot possibly be served by allocating seats districtwise. It is true that Art. 14 does not forbid classification, but the classification has to be justified on the basis of the nexus between the classification and the object to be achieved, even assuming that territorial classification may be a reasonable classification. The fact however that the classification by itself is reasonable is not enough to support it unless there is nexus between the classification and the object to be achieved. Therefore, as the object to be achieved in a case of the kind with which we are concerned is to get the best talent for admission to professional colleges, the allocation of seats districtwise has no reasonable relation with the object to be achieved. If anything, such allocation will result in many cases in the object being destroyed, and if that is so, the classification, even if reasonable, would result in discrimination, inasmuch as better qualified candidates from one district may be rejected while less qualified candidates from other districts may be admitted from either of the two Sources."

59. Similar question came up again in the matter of MBBS admission in *Minor A. Peeriakaruppan Vs. State of Tamil Nadu*, 1971 (1) SCC 38 wherein following its previous decision, the Apex Court had held that such classification/distribution of seats was violative of Article 14 and 15 of the Constitution.

60. The question of District Wise distribution of seats again came to be considered by the Apex Court in the year 2000 in *Govind A. Mane & others Vs. State of Maharashtra & others* 2000 4 SCC 200; in relation to admission to B.Ed

course. It was reiterated that since district wise distribution was made by the respondent State without indicating any material to show the nexus between the said distribution and the object sought to be achieved, it would be violative of Article 14 of the Constitution.

61. The view taken by this Court in the instant matter that the State was not justified in making the classification of Art/Science and Male/Female category, is, thus, fortified from the decisions of the Apex Court as noted above.

62. In view of the above discussion, this Court has left with no doubt in holding that the decision of the Counselling University to insist upon the institutions to admit students category wise in the ratio of 70: 30 (in Arts and Science) was baseless and arbitrary.

63. The lists of students admitted by the institutions, on their own, were required to be submitted by them as per the directions issued in the press release dated 12.07.2017 and 01.08.2017 by the Counselling University.

64. As per the stand taken by the institutions, they took admission upto 15.07.2017 i.e. the last date notified by the Counselling University and had also submitted the list of admitted students by the said date. The Counselling University, however, disputed this factual position of submission of lists of students by the institutions by the cutoff date. The counsel of Lucknow University (Counselling University) would submit that the admissions taken by the institutions, after 15.07.2017, cannot be regularized in as much, those admissions have been taken in contravention of the mandate of the Apex Court regarding the last date of completion of the admission process.

65. So far as the dispute being raised by the Counselling University regarding the eligibility criteria of the students admitted by the institutions or the candidates having been admitted beyond the last date i.e. 15.07.2017 is concerned, this Court has left this question open for consideration for the Counselling University, in as much, the said issue was not addressed for adjudication before this Court and further it would require verification of the list submitted by each institute.

66. In order to set the controversy at rest, following directions are issued:- 1. The list of candidates admitted by the concerned institutes already submitted to the Counselling University shall be examined by it, any objections with regard to the requirement or eligibility criteria being fulfilled by the candidate concerned or his/her admission having been taken beyond the cut off date i.e. 15.07.2017, the same shall be intimated to the candidate concerned through the institution, wherein he/she has been admitted.

2. If required, such candidates may asked to furnish their original documents for verification of the documents appended with the admission forms.

3. For the said exercise, if undertaken, a date be fixed by the Counselling University under due intimation to the candidates through the institution concerned and publication thereof in the local daily newspapers.

4. The entire exercise regarding verification of eligibility and other requisition qualifications shall be completed by the Counselling University within a period of four weeks from today. In case any admission is found to be taken without fulfillment of eligibility requirement or beyond the cut off date i.e. 15.07.2015, the decision for cancellation of such admission shall be taken under intimation to the candidates through institutions by passing reasoned and speaking order, thereafter.

5. In all such cases where admissions are found legal, the verified list shall be forwarded to the institutions and the list of admitted students be uploaded at the website concerned, of the Counselling University and of the institutions.

6. The candidates whose admissions are found legal and who have not been able to undertake requisite number of classes (both theory and practical), the examining body, i.e. each Affiliating University shall prepare a calendar and issue directions to the affiliated institutions to hold classes and provide marks of internal assessment, thereafter. The said calendar shall be prepared (in consultation with the Principal of the institutions, if required) on or before 30.11.2017. The Compulsory school internship of four weeks as required for the first year of B.Ed course shall also be included in the calendar so prepared.

67. Every institution is required to display the said calendar on its notice board so that all the affected students are intimated about the period of study which they have to complete before undertaking examination for the forthcoming semester.

68. The institutions are required to hold requisite number of special classes both for theory and practical courses (for each semester) of B.Ed Ist year course as per the calendar provided to them by the affiliating Universities are to strictly follow the schedule provided therein. The institutions and the affiliating Universities shall strictly adhere to the directions given herein above and in case of any disobedience or noncompliance of any of the directions, they may be held liable for adverse action after fixing their responsibility.

69. Subject to the final observations and directions, the present bunch of writ petition are finally disposed of.