

---

**(2004) 06 GUJ CK 0019**

**In the Gujarat High Court**

**Case No :** Special Civil Application No. 6632 of 2004

Joshi Divyanka Kirankumar

APPELLANT

Vs

State of Gujarat

RESPONDENT

---

**Date of Decision :** 28-06-2004

**Acts Referred:**

**Citation :** (2004) 06 GUJ CK 0019

**Hon'ble Judges :** Jayant M. Patel, J

**Bench :** Single Bench

**Advocate :** K.B. Pujara, for Petitioner No. 1-2, for the Appellant; Dave, A.G.P. for Respondent No. 1-2, for the Respondent

**Final Decision :** Allowed

---

## **Judgement**

Jayant Patel, J.—The short facts of the case are that the petitioners have passed XII standard examination in English Medium in Science Stream from Central Board of Secondary Education [hereinafter referred to as "C.B.S.C.]. The petitioners were desirous to apply for admission in P.T.C. Course for the academic year 2004-2005. It is the case of the petitioners that uptill now, the students who have passed XII standard from C.B.S.C. was considered eligible for application to P.T.C. However, for the present year, when the petitioners approach to the authority with an application form, on 11th June, 2004, the same was refused by the authority and under these circumstances, the petitioners have approached this Court.

2. This petition was heard on 16th June, 2004 and this Court after hearing the learned A.G.P. passed the following order :-

(i) Rule returnable on 24.6.04, Mr. Dave learned A.G.P. waives service of rule on behalf of respondents.

(ii) By way of interim order, it is directed that the action and interpretation of the authorities excluding the students who have passed 12th standard examination of CBSC from Gujarat is hereby stayed and suspended. It is further directed that

the authorities shall issue fresh advertisement inviting applications from the desirous students who have passed the 12th standard examination of CBSC from Gujarat for admission to PTC course on or before 19.6.04 and shall not deny acceptance of application forms of such students on the ground that they have passed the 12th standard examination of CBSC from Gujarat and as a consequence thereof, the application forms of the petitioners shall also not be denied on such ground and shall be accepted if otherwise they meet with the further requirements.

(iii) Matter to be listed in admission board for final disposal on returnable date.

(iv) Office to give copy of this order to the office of the GP for report of compliance on the returnable date. "

3. Today, when the matter is further taken up for final disposal, the learned A.G.P. under the instructions of the Officer concerned, states that in pursuance of the order passed by this Court on 16th June, 2004, the advertisement has been issued inviting applications from all eligible students who have passed XII standard examination from C.B.S.C. and desirous to apply for admission to P.T.C. and at five centres such applications are to be submitted. The learned A.G.P. has stated that the advertisement for such purpose is also issued in major newspaper having circulation in the State and the petitioners herein have also applied in pursuance of such advertisement. It has been further submitted on behalf of the concerned authorities by the learned A.G.P. under the instruction that, in view of the aforesaid prima facie observation of this Court, the State Government is not desirous to contest the issue so as to deprive the students who have passed C.B.S.C. examination from Gujarat. Mr. Dave learned A.G.P. even otherwise is also not in a position to show any reason behind depriving C.B.S.C. students who have passed from Gujarat and more particularly when no special quota is reserved for such students. It appears that in absence of any special quota for students who have passed XII standard C.B.S.C. examination from Gujarat, such students would stand on the same footing with the students who have passed XII standard examination from Gujarat Higher Secondary Education Board, for the purpose of meeting with the eligibility criteria to the admissions to P.T.C. and if such interpretation is not made, it may result into giving discriminatory treatment without making any room for admission to P.T.C. in Gujarat State I find the matter to leave at that stage without observing further in view of the declaration made by learned A.G.P. of accepting the order of this Court and not to resist the issue.

4. Under the above circumstances, it appears that the students who have passed XII standard examination from C.B.S.C. from Gujarat would be eligible to apply for P.T.C. and with a view to see that other eligible students may not be deprived of, the earlier order dated 16th June, 2004 was passed. Accordingly, the applications are also invited for such purpose and under these circumstances, the action of the respondent authorities of treating the students who have passed XII standard examination of C.B.S.C. from Gujarat as ineligible to apply for P.T.C.

deserves to be quashed and set aside. The respondent authorities shall not deny the admission to the petitioners or other similarly situated students for P.T.C. on the ground that they have passed XII standard examination of C.B.S.C. from Gujarat. It will be open to the authorities to decide the admission of the students concerned, including the petitioners on the basis of merits and the policy in accordance with law.

The petition is allowed to the aforesaid extent. Rule is made absolute accordingly. Considering the facts and circumstances, no costs.