
(1998) 12 AP CK 0051

In the Andhra Pradesh High Court

Case No : Writ Petition No. 12681 of 1998 and Batch

Karra Buchi Babu and others

APPELLANT

Vs

the State of A.P., Education Dept. Hyd. and others

RESPONDENT

Date of Decision : 29-12-1998

Acts Referred:

Common Entrance Test Rules, 1989 — Rule 4

Citation : AIR 1999 AP 260 : (1999) 1 ALD 438 : (1999) 1 ALT 487

Hon'ble Judges : Bilal Nazki, J

Bench : Single Bench

Advocate : Mr. A. Ravinder, for the Appellant; Government Pleader for Education and Mr. T.S. Harinath, SC for S.V. University, for the Respondent

Judgement

Bilal Nazki, J.—Common questions of fact and law are involved in these writ petitions therefore these writ petitions are decided by this common order.

2. The petitioners herein have challenged the notification being "Ed-CET-1998", Education Common Entrance Test. By this notification it has been notified that only those who have obtained not less than 45% of marks in Part-II (optional subjects) in Graduation can appear for Ed-CET-1998. This condition has been challenged being contrary to the Rules, it has been stated that it is not proper for the respondents to insist for 45% of marks in Optional subjects. It has been stated that this condition should have been imposed only on the students belonging to the Science group as they get higher marks because of internal examinations and practical examinations. Further, it has been stated that the students who have opted for B.A. and B.Com., degrees are not in position to get 45% marks in their optional subjects. It is further stated that the petitioners belong to the backward classes and the reservation in backward classes would get defeated if the authorities insist on 45% marks in the qualifying examination. It has further been stated by the petitioners that Regulations of Admission into B.Ed, course through Common Entrance Test Rules, 1989 were framed and Rule 4 of the Rules lays down the eligibility, sub-clause (2) of Rule 4 prescribes B.A/

B.Sc./B.Com. as the basic qualification, even those students are eligible who have appeared for the final year but whose results have not been declared on the date of making the application. It is further stated that the rules do not prescribe that 45% of marks be secured in the qualifying examination. It is stated that the impugned notification is in contravention of the Rules.

3. I have heard the learned Counsel for the parties. Counter has also been filed. Along with the notification, instructions to the candidates have also been annexed. It is clear from the infusions that 45% of marks have to be obtained in Part-II optional subjects before a candidate can compete in Ed-CET. The aim of selection of candidates to various institutions in various categories is primarily to offer admission to the best candidates those are available on the basis of merit. What the Rules, to which a reference has been made here it is above; prescribe is the minimum qualification. These Rules do not lay down that the respondent shall not have the power to test the relative merit of the candidates appearing in each category. By laying down that only those candidates who have obtained 45% of marks in the qualifying examination an effort has been made to reduce the number of candidates appearing in the competitive test and by restricting the test to the more meritorious candidates. It is in fact a combing out operation by which the less suitable candidates are combed out. This mode has been consistently upheld by Courts. Therefore, I do not find any element of arbitrariness in the impugned notification which prescribes an aggregate of 45% of marks in the optional subjects in the qualifying examination are alone eligible to appear in the competitive test. No arbitrariness can be attributed to such an action.

4. Therefore, these writ petitions are not maintainable which are accordingly dismissed. The interim orders are vacated.