

(1985) 09 KAR CK 0003
In the Karnataka High Court
Case No : Writ Petition No. 12125 of 1984

Lakshman Gouda

APPELLANT

Vs

The Karnataka University and Another

RESPONDENT

Date of Decision : 23-09-1985

Acts Referred:

Constitution of India, 1950 — Article 14

Citation : AIR 1986 Kar 239 : (1986) ILR (Kar) 3666

Hon'ble Judges : M.P. Chandrakantaraj URS, J

Bench : Single Bench

Advocate : Suresh S. Joshi, for the Appellant;

Judgement

1. In this writ petition, the petitioner who is a student at Basaveshwar Engineering College, Bagalkot, has challenged the validity of Ordinance 6 of the 1st respondent, Karnataka University. That ordinance provides that a candidate must pass, first year engineering examination in not more than five attempts, failing which he shall not be permitted to continue the engineering course in the University. Admittedly, petitioner has failed four times and has made his fifth attempt, the result of which is not yet known. Perhaps in anticipation of the impending disaster, he has presented this writ petition sometime in the middle of last year challenging the validity of the ordinance.

2. The learned counsel has argued that in the State of Karnataka there is only one Act, which provides for the establishment of universities and therefore Karnataka University cannot have an ordinance of that type while other universities do not have it.

3. I do not think there is any force in this contention. Each university incorporated under the Act or deemed to have been incorporated is a separate distinct entity enjoying autonomous power to further the purpose for which they are incorporated. If educational standards are maintained in different ways, student of one university cannot complain that there has been discrimination

because he should have gone and joined that university which had the most favourable terms for appearing for examination in any subject. The fact that they belong to different universities itself constitutes a classification and that classification obviously is a valid basis rational too and therefore such a student as the petitioner cannot press into service the equality extended under Art. 14.

4. It was next argued that the impugned ordinance has imposed that restriction on the student of the first year in the four-year course. That restriction is not imposed on the students of second, third and fourth year and therefore it is discriminatory. Learned counsel further contended that there is no rationale to make a distinction between the first year students and the students of the other years, namely, second, third and fourth year. This is a self-defeating argument. First year is the initial year in the course. All the basics leading to the degree in engineering will be taught in the first year. If a student does not pass the first year in five attempts it is so because he has not been able to grasp the basics of the course. Therefore, if a threshold bar is made at the end of first year by the impugned ordinance, then it cannot be said it is without rational. In any event it is a matter for academicians to decide as to how standards should be, maintained and students admitted to the course and promoted to the higher classes. The Court should not attempt to question those decisions of the academic bodies to hold and maintain standards in the university.

5. Thirdly, it was contended, it is in the engineering course of Karnataka University that this restriction is there and it is not extended to the other courses. This argument must be rejected for the reason given for rejecting the second argument.

6. The fourth argument has been that the semester course itself has been abolished and therefore the rule is practically non-existent. If that is so, then the petitioner has nothing more to lose than what he has already lost.

7. Petition is misconceived, it is therefore rejected.

8. Petition rejected.