
(2008) 06 JH CK 0050

In the Jharkhand High Court

Case No : Writ Petition (PIL) No. 1795 of 2008

Madan Kumar and Raj Kumar Sahu

APPELLANT

Vs

State of Jharkhand

RESPONDENT

Date of Decision : 23-06-2008

Acts Referred:

Citation : (2008) 56 BLJR 2477 : (2008) 4 JCR 173

Hon'ble Judges : M.Y. Eqbal, Acting C.J.; Dilip kumar sinha, J

Bench : Division Bench

Advocate : A.K. Pathak and V.P. Tiwary, for the Appellant; M.K. Laik, Senior Standing Counsel-I, S.P. Roy and A.K. Mehta, for the Respondent

Final Decision : Dismissed

Judgement

1. Petitioners have invoked the writ jurisdiction of this Court under Public Interest Litigation for issuance of a writ in the nature of mandamus commanding upon the respondents to hold inquiry with regard to the admission of the students in B.Ed. course in different colleges of Ranchi University in violation and disregard of the established selection processes and Rules for the academic session 2006-07.

2. Petitioners had applied for admission in B.Ed. course in Ranchi University for the academic session 2006-07 by fulfilling eligibility and criteria required for such admission. Petitioner No. 1 claimed having equal point to the other selected students but his case was not considered for admission in the B.Ed. course. Similarly, petitioner No. 2 had higher points but his case was also not considered though, the students having lower points were selected which caused irreparable loss and injury to the petitioners. Having come to know about the irregularities in the admission process for the B.Ed. course in Ranchi University, they sought for information under the R.T.I. Act, 2005 but no information as required could be supplied to them by the respondents. However, on the application to the 2nd appellate authority under the R.T.I. Act, the information that was supplied to them was not found satisfactory and evasive answer was given. Yet, authorities

took eight months in supplying the required information and by that time the academic session 2006-07 ended. In that manner, respondents prevented the petitioners from taking admission as alleged so that they could make admission of other students illegally in the B.Ed. course.

3. It is further added that the respondents committed gross irregularity and illegality by allowing such students admitted in B.Ed. course in getting their transfer from one college to another in utter violation of the rules as framed by the University and that the B.Ed. course for the session 2006-07 concluded only within two months as against composite one year course though the Ranchi University, being the creation under the statute and controlled by the respondent Nos. 2 & 3 cannot be permitted for illegality and irregularity in the admission matter beyond the four corners of the rules, the learned Counsel added.

4. Respondent Nos. 2 & 3 by filing counter-affidavit stated that the B.Ed. course under Self Financing Scheme was being conducted in ten constituent colleges of the Ranchi University since 2005-06. All these ten constituent colleges were recognized by the National Council for Teachers Education (NCTE in short). Admissions to the B.Ed. courses for the academic session 2005-06 were decentralized and the constituent colleges were taking admissions on their own. However, for the academic session 2006-07, though admissions in B.Ed. course were centralized. Yet, again for the academic session 2007-08, the admissions have been decentralized.

5. Mr. A.K. Mehta, learned Counsel for the respondents 2 & 3, submitted that numbers of seats available for admission were 100 in each of the 10 colleges and the Department of Human Resources, Government of Jharkhand had laid down the guideline/admission procedure as contained in Memo No. 1383 dated 20.5.2004 which was being followed by the respondent Nos. 2 & 3. For admission in the B.Ed. course, no test was recommended rather on the basis of academic qualification, self marking by the applicants in the application form was the criteria. Admissions of the eligible candidates used to be taken after scrutiny/verification of the documents filed on behalf of the applicants and that no guideline for admission was prescribed or communicated to the Ranchi University by the NCTE.

6. Mr. Mehta pointed out that the applicants under decentralized admission system seeking admission in B.Ed. course were required to submit separate application form along with cost of form. As the said procedure was cumbersome, putting heavy expenditure to the applicants, decision was taken by the University for centralized admission in B.Ed. courses for the academic session 2006-07 in order to mitigate the difficulties of he applicants.

7. Mr. Mehta further explained that the petitioner No. 1 claimed to have secured 29 points in his application form in the category of OBC with Economics as his main subject. Similarly the petitioner No. 2 was also in the OBC category with Economics as the main subject but the cut-off marks for OBC category in the

subject "Economics" was much higher than the points secured by the petitioners. Since admissions were made on centralized basis, three merit lists were published from time to time but as the number of seats remained vacant in different colleges as the selected candidates did not turn up, the applicants with lesser marks were admitted in the B.Ed. course for which fourth, fifth and sixth list of candidates were published in the session 2006-07.

8. Mr. Mehta exhorted that under the Self Financing Scheme, a student of General/OBC category was required to pay Rs. 24,000/- as admission fee whereas Rs. 21,000/- was fixed admission fee for ST/SC candidates. The colleges were also required to make payment of salaries to the teachers and to meet the overhead expenses and accordingly, leaving the seats vacant in B.Ed. course was against fiscal interest of the College. Under these circumstances, when the candidates securing higher marks did not turn up for admission against the vacant seats in remote colleges, candidates securing lesser marks were admitted.

9. Finally, Mr. Mehta submitted that the B.Ed. Course of the academic session 2006-07 was over and after holding examination in the month of August-September, 2007, the result was published in the month of December, 2007. Learned Counsel pointed out certain changes for the session 2007-08 in B.Ed. course as the admissions have been decentralized and each of the ten colleges could be able to take admissions independently in respect of only such candidates who applied for admission in the said college, in that manner the colleges were able to shorten the time span in the admission procedure and the students admitted in the colleges were able to attend more theory and practical classes and that the guideline laid down by the Department of Human Resources, Government of Jharkhand followed. Now the candidate who admitted in one college, would not be transferred to any another college in B.Ed. course of Ranchi University.

10. Having regard to the facts and circumstances of the case, we find that the petitioners had applied for B.Ed. course in the academic session 2006-07 and at that time it was centralized system for admission but the petitioners could not get admission for the reasons that the petitioners were in the category of OBC with "Economics" as their subject and the cut off marks for OBC category in the said subject was much higher than the points secured by them. Three merit lists were published from time to time in view of the centralized admission system and as number of seats remained vacant as the selected candidates did not turn up for their admission, applicants with lesser marks were admitted in the course for which some more lists of candidates were published. We find substance in the argument of learned Counsel for the respondent Nos. 2 & 3 that since B.Ed. course was running under the Self Financing Scheme, a student of General/OBC category was required to pay Rs. 24,000/- whereas Rs. 21,000/- was fixed for ST/SC candidates as the fee for the academic session and the salary to the teachers were to be given from such receipts and for such reasons, it was not feasible for the respondent No. 2 and respondent No. 3 to leave the seats vacant

against the fiscal interest of the college. We are conscious of the fact that if at all any irregularity was made in the admission procedure for the academic session 2006-07 in the B.Ed. course, students of such course have already appeared in the examination and their result has been published. Under such situation any kind of intervention in the nature of mandamus would adversely affect the admission process, examination and the result of the bonafide students of B.Ed. course to which they were not in any manner at fault and their career would be gravely affected. However, Mr. Anoop Kumar Mehta, the learned Counsel on behalf of the respondent Nos. 2 & 3 assured this Court that the academic session 2007-08 has been regularized by decentralizing the admission process for admission in 10 constituent colleges in B.Ed. by following the direction issued by the Department of Human Resources, Government of Jharkhand in letters and spirit.

11. Under the circumstances and in view of the submissions made herein above, this Public Interest Litigation is dismissed, but there shall be no order as to costs.