

(2019) 12 J&K CK 0066

In the Jammu And Kashmir High Court

Case No : Writ Petition (C) No. 2999 Of 2019, CM No. 6169 Of 2019

Manjeet Kumar

APPELLANT

Vs

University Of Jammu & Ors

RESPONDENT

Date of Decision : 31-12-2019

Acts Referred:

Citation : (2019) 12 J&K CK 0066

Hon'ble Judges : Tashi Rabstan, J

Bench : Single Bench

Advocate : Anil Sethi

Final Decision : Disposed Of

Judgement

1. Through the medium of this writ petition, the petitioner is seeking to quash communication dated 25.07.2019 issued by the Dean Academic Affairs, University of Jammu, respondent No.3 herein, whereby the application filed by the petitioner seeking admission to the PG LLB 2019 (3 years course through JUET-2019) has been rejected. The petitioner is also seeking a direction to the respondents to treat his Bachelor's Degree in Civil Engineering as valid for taking admission to PG LLB-3 years course.

2. The facts in short, as averred in the writ petition, are that the petitioner after qualifying matriculation underwent three years Diploma in Civil Engineering from the J&K State Board of Technical Education. Subsequently, he also acquired B.E. (Civil) Degree through correspondence from Vinayaka Mission University, Sealem Tamil Nadu. It is averred that for validation of his Civil Engineering Degree, the petitioner appeared in the examination conducted by the All India Council for Technical Education and University Grants Commission and he duly qualified the same. The petitioner, thus, has at this credit the qualification of 10+3+3.

3. Further, it is averred that in response to the notification issued by the University of Jammu for conducting entrance examination known as Jammu University Entrance Test (JUET) 2019, the petitioner applied for the same for the

academic session 2019-20 for undergoing LLB 3 Years Course. It is averred that the petitioner participated in the entrance examination and secured 38 marks, whereas the qualifying marks were prescribed as 30 under open merit category. The grievance of petitioner is that though he qualified the entrance test, yet the respondents did not give him admission to 3 Years LLB Course by finding fault with his qualification. The petitioner made a representation to Dean Academic Affairs, University of Jammu, respondent No.3 herein, but the same came to be rejected as the qualification of petitioner did not match as per the eligibility clause appearing at Page 102 of JUET Admission Brochure, 2019. Hence, the present writ petition.

4. Learned counsel appearing for petitioner argued that respondent No.3 did not properly evaluate the qualification of petitioner. He further argued that the petitioner has at his credit more qualification than what was prescribed in the eligibility clause because the petitioner possessed the qualification of 10+3+3; as such the respondents were not legally justified in denying admission to the petitioner in 3-Years LLB Course. Learned counsel further argued that after validation of Civil Engineering Degree of petitioner by the competent authority, the petitioner is entitled to be treated as holder of Bachelor's Degree for all practical purposes. As such denial of admission to the petitioner in the LLB Course is totally illegal, arbitrary and contrary to the provisions of law.

5. Counter affidavit has been filed on behalf of respondent No.1 averring therein that the petitioner does not qualify as per the eligibility laid down for admission to the LLB 3 Years Course. Further, it is averred that the petitioner is not eligible since he obtained Bachelor Degree in Civil Engineering on 10+3+3 pattern, i.e., by doing diploma course after matriculation and by securing lateral entry into Civil Engineering Course, and such a mode of acquiring qualification is not known to the University Statutes.

6. I have heard learned counsel appearing for the parties, considered their rival contentions and also peruse the writ file.

7. Before proceeding further, it would be appropriate to reproduce hereunder the relevant portion of Eligibility Clause appearing at Page 102 of JUET Admission Brochure, 2019:

"Eligibility:

A candidate to be eligible for admission to the Master Degree, Bachelor Degree (LLB (3 years/5 years), B.Lib.1.Sc., & B.P.Ed) and Diploma programmes in the University, must have passed/appeared in the final year/Semester of the qualifying Bachelor's degree examination of 10+2+3 pattern (Honours or General) in Arts, Science, Home Science, Commerce or Business Administration or an examination qualifying for a professional degree of not less than 3 years duration or any other examination recognized as equivalent thereof, from a recognized university/institution with at least 40% of the aggregate marks or as specified (36% for the Scheduled Caste/Tribe candidates)."

8. Admittedly, the petitioner has not done graduation on the pattern of 10+2+3 as mandated by the University Statutes, even in ground (b) of the writ petition, the petitioner himself has admitted that he did Bachelors Degree on the pattern of 10+3+3, i.e., after matriculation, the petitioner did three years Diploma in Civil Engineering and, thereafter, B.E. (Civil) Degree through correspondence, which later on was validated when the petitioner qualified the examination conducted by the All India Council for Technical Education and University Grants Commission. Whereas, as per the eligibility clause of JUET Admission Brochure, the recognized mode of acquiring qualification for taking admission to Law Courses in the University of Jammu is on the pattern of 10+2+3, i.e., by studying 10+2 and then 03 years Degree Course. Since the pattern of 10+3+3 is not known to the University Statutes, as such the petitioner cannot seek equivalence of his degree with those graduates who have acquired their degrees under the recognized pattern as laid down in the University Statutes nor can the petitioner be treated as holder of Bachelor's Degree for all practical purposes. Therefore, I am of the opinion that the judgment relied upon by the petitioner, titled as, Maharashtra Chess Association vs Union of India, 2019 (7) Supreme 313, is clearly distinguishable on facts and is not applicable to the case in hand, that too when the JUET 2019 statutes of University of Jammu provide alternate remedy of filing appeal before the Appellate Committee if any candidate has any specific grievance governing admission matters. Otherwise too, the Appellate Committee consisting of Vice Chancellor (Chairman), Dean Academic Affairs, Dean of the Faculty concerned, Convener of Board of Studies in the subject and Head of the Department concerned is the expert body to opine on the subject matter.

9. Viewed thus, I deem it proper to dispose of the writ petition. Accordingly, this writ petition is disposed of along with connected CM by giving liberty to the petitioner to file an appeal before the Appellate Committee in terms of Statute 8 of Statutes Governing Admissions in Admission Brochure for 2019, University of Jammu. If such an appeal is filed by the petitioner, in such an eventuality, the Appellate Committee is directed to decide the appeal of petitioner within a period of ten days from the date of filing of such appeal.