
(2013) 09 MP CK 0040
In the Madhya Pradesh High Court
Case No : Writ Petition No. 5992 of 2013

Manju Tripathi

APPELLANT

Vs

Sect, State of M.P. and Others

RESPONDENT

Date of Decision : 25-09-2013

Acts Referred:

Citation : (2013) 09 MP CK 0040

Hon'ble Judges : Rohit Arya, J;Rajendra Menon, J

Bench : Division Bench

Advocate : Jitendra Singh, for the Appellant; Vivek Khedekar, D.A.G. for Respondent No. 1 and Shri O.P. Mathur, Advocate for Respondents 2 and 3, for the Respondent

Judgement

1. Petitioner has filed this writ petition challenging the action of the respondents in not declaring the result of the petitioner, who is said to have appeared in the B.Ed. Examination for the Academic Session 2007-08, conducted by the Jiwaji University, Gwalior-respondent No. 2. It is the case of the petitioner that he was a student of Jagatguru Shankaracharya Shiksha College, Bhind. He had taken admission in B.Ed. course for the Academic Session 2007-08 and is said to have completed his course. As result of the petitioner is not being declared, he has filed this writ petition by contending that he participated in the counseling held by the Barkatullah University, Bhopal and was given choice of two institutes namely Ramswaroop Shiksha Mahavidyalaya and thereafter in Dilip Singh Shiksha Mahavidyalaya; but, when he went to seek admission in the said institutes along with the requisite fee of Rs. 5200/-, it is stated that the fee was not accepted and he was not granted admission. Under such circumstances, petitioner is said to have taken admission in Jagatguru Shankaracharya Shiksha College, Bhind and appeared in the Examination from the said college. It is stated that as petitioner has appeared and has passed the Examination, now his result should be declared.

2. Respondent/University has filed reply and it is pointed out by them that

petitioner did not take admission in the college to which he was allotted a seat after counseling. Instead, petitioner took admission in an Institute which was not recognized or approved by the National Council for Teacher's Education, and as petitioner has pursued the course from an Institute which has not been granted any affiliation, and as the petitioner took admission contrary to the one granted to him in the counseling, it is said that his result can not be declared. It is further stated that admission granted to the petitioner to appear in the Examination was provisional subject to final decision of the High Court in various writ petition.

3. We have heard learned counsel for the parties and perused the records.

4. From the records, it is clear that in the matter of B.Ed. admission in the State of Madhya Pradesh, various irregularities were committed and therefore, a Public Interest Litigation was filed by one Shri Subhash Rahangdale and others. Finally, the matter traveled to the Supreme Court and has been decided in Civil Appeal No. 104/2012 and other cases i.e. Adarsh Shiksha Mahavidyalaya and others, it has been held by the Supreme Court that in the absence of appropriate recognition being available, results of the students cannot be declared.

5. While the matter was pending before the Supreme Court, interim orders were passed granting liberty to the Institute to given admission provisionally subject to final decision of the writ petition. It is seen that in the present case, petitioner sought admission in Jagatguru Shankaracharya Shiksha College, Bhind, in whose case the question of recognition was highly disputed and it seems that this Institute was not having recognition and, therefore, petitioner could not have sought admission in the said Institute. That apart, petitioner has not impleaded All India Council for Technical Education nor is there any document available on record to show that respondent No. 5/Institute is duly recognized and entitled to admit the petitioner. On the contrary, the University has objected to the admission and say that once the admission is granted in a college which was not approved in counseling, petitioner's result cannot be declared.

6. Keeping in view the aforesaid objection, we see no reason to issue any mandamus for declaring the result of the petitioner. Particularly, when the Supreme Court in various cases has clearly held that in the absence of any material being adduced to show that the Institute was duly recognized to conduct the course, relief cannot be granted.

7. In this regard, the question has been considered and decided by the Supreme Court in the case of Abhudya Sanstha Vs. Union of India and others, in Civil Appeal No. 4305-4306/2011, wherein the Supreme Court under similar circumstances refused to grant relief to the student concerned, but indicated that the student is entitled to a compensation of Rs. 1 Lac from the Institute for granting him admission without proper recognition.

8. Keeping in view the aforesaid facts and circumstances, now as it is clear that petitioner took admission in the institute of respondent no. 5 Jagatguru Shankaracharya Shiksha College, Bhind, and further as the institute of

respondent no. 5 was not recognized by the National Council for Teacher Education to impart education for the course in question, we see no reason to issue any mandamus or direction to the university for declaration of the result.

9. In the present petition, if the petitioner feels that he is entitled to compensation of Rs. 1 Lac from the Institute-respondent no. 5 Jagatguru Shankaracharya Shiksha College, Bhind, in accordance to the principle laid down by the Supreme Court in the case of Abhudya Sanstha (supra), petitioner is granted liberty to raise a claim before the Institute and the Institute shall settle the claim in this regard within a period of two months, failing which the petitioner shall be at liberty to approach this Court for claiming compensation.

10. Accordingly, granting liberty to the petitioner to claim compensation from the Institute in accordance to the directions issued by the Supreme Court in the case of Abhudya Sanstha (supra), this petition is disposed of. Certified copy as per rules.