
(2019) 01 RAJ CK 0068

In the Rajasthan High Court

Case No : Special Appeal Writ No. 1895 Of 2018

Manoj Kumari

APPELLANT

Vs

Registrar And Ors

RESPONDENT

Date of Decision : 08-01-2019

Acts Referred:

Rajasthan High Court Rules, 1952 — Rule 134
Constitution Of India, 1950 — Article 226

Citation : (2019) 01 RAJ CK 0068

Hon'ble Judges : Sandeep Mehta, J;Vinit Kumar Mathur, J

Bench : Division Bench

Advocate : Rakesh Matoria

Final Decision : Dismissed

Judgement

Sandeep Mehta, J

Heard learned counsel for the appellant-writ petitioner and perused the material available on record.

The instant special appeal (writ) preferred by the appellant-writ petitioner under Rule 134 of the Rajasthan High Court Rules read with Article 226 of the Constitution of India is directed against the order dated 13.09.2018 passed by learned Single Bench of this court in S.B. Civil Writ Petition No.8372/2010, whereby, the writ petition filed by the petitioner was dismissed.

Facts in brief are that the petitioner claims to have passed the B.A. (One sitting) Programme conducted by the Kurukshetra University in the year 1997. She was issued a mark-sheet dated 15.12.1997 by the University for the said examination. On the strength of this Graduation Degree, the petitioner applied for appearance in the Pre-Teachers Education Test (PTET) conducted by the Jai Narayan Vyas University (JNVU), Jodhpur in the year 2008. The petitioner appeared in the PTET Examination and was declared successful. After counselling, the petitioner was allotted Dadhimati Mahila T.T. College for

admission to B.Ed. Course. The petitioner claims to have been admitted in the college after depositing the fee and an identity card was also issued to her in the capacity of a regular student. After appearing in the B.Ed. Examination, the petitioner was declared passed. However, the original mark-sheet of the examination was not issued to her, whereupon, she approached the Single Bench of this court by way of the above-mentioned writ petition.

The respondent JNVU filed a pertinent reply to the writ petition taking a plea that the Graduation Degree held by the petitioner was not recognized as equivalent to Bachelor's Degree by the JNVU and as such, the petitioner was not eligible to appear in the PTET Examination. Reliance was placed on the Instruction No.10 (v) (c) of the PTET Examination, wherein it has been clarified that those candidates, who have obtained their degree through correspondence or by appearing in one year final part examination shall not be entitled to appear in the PTET examination. The instruction further stipulated that the candidate has to assess and determine his/her own eligibility to appear in the PTET Examination because at the stage of appearance in the examination, it is not required for the University to scrutinize the application forms and if at any later stage, the ineligibility of a candidate is disclosed, no right would accrue in favour of such candidate. The prayer made by the petitioner in the writ petition was opposed on the ground that the one sitting Bachelor's Degree offered by the Kurukshetra University was not recognized as equivalent to the Bachelor's Degree of JNVU. Thus, the petitioner was not eligible to appear in the said examination and could not claim issuance of the mark-sheet.

Learned Single Bench proceeded to appreciate the rival contentions as well as the documents placed on record including the Bachelor's Degree held by the petitioner by appearing in the one sitting examination and held that the recognition of B.A./M.A. (One sitting) Degree of Kurukshetra University upto the specified date by the UGC could in no manner construed to mean that the said degree would be treated as equivalent. Three Year B.A. Degree Course conducted by different universities. The equivalence could only be claimed for admission and appearance in the B.Ed. Course of the Kurukshetra University, but the other universities were not under an obligation consider that degree as equivalent to B.A. Course. Reliance was placed by learned Single Bench on clause 10 of the instructions, wherein, it was clearly incorporated that the candidates obtaining Graduation Degree by correspondence course or by appearance in one year final part examination shall not be eligible to appear in the said examination.

Manifestly, the responsibility to assess and determine the eligibility to appear in the examination was that of the candidate, i.e. the petitioner herein. Since, without being eligible as per the instructions applicable to the course, the petitioner, at her own risk appeared in the examination and took admission into the course, manifestly, she cannot be allowed to claim any equity on the strength of her success in the examination because she lacks the basic qualification so as to get admission in the PTET course offered by the JNVU. The Supreme Court

judgment relied upon by Mr. Matoria being Shri Krishan Vs. The Kurukshetra University, Kurukshetra reported in AIR 1976 SC 376 is in no manner applicable to the case at hand because in the present case, the instructions adopted by the JNVU clearly dis-entitle a candidate holding one year degree course from appearing in the PTET Examination. Since the responsibility to assess and determine the eligibility was that of the candidate, manifestly, by failing to make proper assessment and having taken admission without holding the requisite qualification, the petitioner cannot take any advantage thereof and stake a claim for the degree.

Having appreciated the arguments advanced by Mr. Matoria and upon considering the entirety of the material available on record, we find no infirmity, illegality or error apparent on the face of the record in the impugned judgment dated 13.09.2018 passed by the learned Single Bench. Thus, the instant letters patent appeal fails and is dismissed as being devoid of merit.