

(2012) 09 J&K CK 0001

In the Jammu And Kashmir High Court

Case No : Others Writ Petition (OWP) No. 1242 of 2012

Masoom Bhattacharya

APPELLANT

Vs

State of Jammu & Kashmir and Others

RESPONDENT

Date of Decision : 26-09-2012

Acts Referred:

Citation : (2012) 09 J&K CK 0001

Hon'ble Judges : Muzaffar Hussain Attar, J

Bench : Single Bench

Advocate : Sudershan Sharma, for the Appellant; W.S. Nargal, Advocate and Ms. Arti Anand, for the Respondent

Final Decision : Dismissed

Judgement

Muzaffar Hussain Attar, Judge

1. Petitioner, undisputedly, has obtained her graduation degree in September, 2007 through Study Centre run by the Punjab Technical University.

Petitioner responded to the notification dated 14.06.2011 issued by the University of Jammu and was admitted to undergo B. Ed. course for the

year 2011-12 and was allotted to M.I.E.R. College of Education, B. C. Road Jammu. After completion of said course, petitioner submitted an

application for taking her examination. Examination fee was also deposited. Petitioner in terms of communication dated 1st August, 2012 was

informed by the Assistant Registrar (CDC), University of Jammu that her admission for undergoing the B. Ed. Course for the session 2011-12

stands cancelled for the reason that she had passed graduation from Study Centre of Punjab Technical University, which was banned by the

University of Jammu. It is this communication which the petitioner has

challenged in this writ petition. On notice, respondent-University has filed objections/reply affidavit.

2. Learned counsel for the petitioner submitted that in terms of SRO No. 339 of 2005 dated 20.12.2005, petitioner, who was already enrolled to undergo graduation course in the Study Centre was protected from the rigor of law and no adverse action could be taken against her. Learned counsel submitted that after admitting the petitioner to B. Ed. Course and allowing her to complete the course of one year, respondent-University could not cancel her admission. Learned counsel submitted that petitioner has been subjected to incalculable sufferings and her legal rights have been infringed.

3. Learned counsel appearing for the respondent- University submitted that the University vide notification dated 05.10.2005 had informed all concerned that a decision was taken by the Standing Committee of the Academic Council that any courses run by Study Centres/Franchises of any University in the country except IGNOU were not recognized. Learned counsel submitted that since petitioner had obtained her graduation degree from Study Centre not recognized by the respondent-University, her admission to undergo B.Ed. course was cancelled and even notice has been issued to the concerned Head Assistant to explain his position as to how the provisional admission was granted to the petitioner when she was not eligible to undergo B.Ed. course. Notice dated 21.06.2012 issued to Sh. S.S. Heer, Head Assistant has been placed on record along with the objections.

4. The University of Jammu in terms of notification dated 05.10.2005 had notified all concerned that the course run by Study Centres/Franchises of any university in the country except IGNOU are not recognized. Petitioner, admittedly, at that time was undergoing graduation course in a Study Centre not recognized by the University of Jammu. Petitioner, in this admitted fact situation, was not eligible for being admitted to undergo B. Ed. Course, for which, admissions are being made by the University of Jammu and degrees are also being awarded by it. The mistake committed by subordinate official of the University in not properly scrutinizing the application form of the petitioner could not prevent the respondent-University to cancel the admission of the petitioner. Respondent- University is bound by its

own notification dated 05.10.2005. Decisions of the academic

institutions have to be implemented and University authorities can not be directed to proceed in breach of their own decisions.

5. Notification dated 05.10.2005 has not been challenged in this writ petition. The impugned communication is only an off-shoot of the

aforementioned notification. In absence of challenge to notification dated 05.10.2005, impugned communication could not be challenged.

Petitioner, in the aforementioned circumstances, has failed to make out a case for grant of relief to her in these proceedings.

6. True it is that the petitioner has been made to suffer because of the mistake allegedly committed by some official of respondent-University. The

claim of the petitioner is that her one year has been wasted, besides, depriving her of substantial amount on account of admission fee and

examination fee. This aspect would require to be considered by the appropriate Forum as and when such an issue is raised for grant of appropriate

relief. Such an issue cannot be adjudicated upon, at this stage, in these proceedings. For the above stated reasons, this petition, being meritless, is

dismissed along with all connected CMA (s).