
(2003) 01 DEL CK 0005
In the Delhi High Court
Case No : CWP 7348 of 2002

Miss Sarita Rani and Others

APPELLANT

Vs

Lt. Governor and Others

RESPONDENT

Date of Decision : 31-01-2003

Acts Referred:

Citation : (2003) 01 DEL CK 0005

Hon'ble Judges : Mukul Mudgal, J

Bench : Single Bench

Advocate : S.R. Kalkal, for the Appellant; Avnish Ahlawat, for the Respondent

Judgement

Mukul Mudgal, J.—The petitioners successfully underwent a written test for admission to the Elementary Teacher Education (hereinafter referred to as ETE) Course conducted by State Council for Educational Research and Training, Govt. of India (hereinafter referred to as SCERT) and were placed at Serial Nos. 3,4, 11,12,18 and 20 of the merit list and were thereafter required to appear before the respondents for interview on 26th August 2002 and 27th August 2002. The petitioner underwent the interview and were again called on 11th, 17th, 23rd, 27th September, 9th, 25th and 30th October 2002. The names of the petitioners were not found in the list of successful candidates and the denial of admission was challenged by this writ petition on the averments, inter alia, that the candidates eventually selected had ranked lower than the petitioners in the merit list published after the written test. It is submitted that no marks were given for interview and the selection is entirely subjective.

2. In the counter affidavits the respondents took the stand that the certificates and documents produced by the petitioner were not found genuine and such candidates whose documents were not produced or the certificates were not found genuine were rejected.

Thereafter this Court on 14th January 2003 passed the following order:

"14-1-2003.

Present: Mr. S.R.Kalkal for the petitioner.

Ms.Avnish Ahlawat for the respondent.

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3. While reiterating the genuineness of the certificate annexed with the petition which according to the counsel for the petitioner satisfy the requirement of clause (iv) to the following effect

"iv) EFA Students i)Certificate from Associate Coordinator counter signed by the competent authority authorised by Joint Secretary DSSAS, for working at least one year in EFA, subject to scrutiny by the competent authority.

ii)A certificate of internal evaluation of at least 10 learners from DRU faculty and counter- signed by concerned Principal, DIET, Delhi."

counsel for the petitioner submitted that when the verification was conducted by Dr.Janaki Rajan, pursuant to the order of this Court dated 17th December, 2002, there was not adequate opportunity to produce the learners. The petitioner is permitted to produce such of the learners as are available taught by him so as to enable the Director, SCERT to verify the genuineness of the certificate annexed with the petition. Such of the learners as are available and sought to be produced in support of the genuineness of the certificate secured by the petitioner shall be produced in the Ladpur School on 18th January, 2003 at 12.00 noon for verification by the Director, SCERT.

List the matter on 21st January, 2003.

January 14, 2003

Mukul Mudgal, J."

3. The report of the director dated 18.1.03 prepared pursuant to the order of this Court dated 14.1.03 has given the following comments in respect of 6 petitioners in the writ petition.

1.Ms. Jagmati - Produced 8 learners and name of seven corresponded to the names given and the name of one learner is different.

2.Ms. Meena - Produced 8 learners. Five names were common. Three names were different.

3.Ms. Sushma - produced 6 learners. 1 name was different.

4.Ms. Sarita - Produced 6 learners. No objection.

5. Ms. Seema - Produced 7 learners. One name did not correspond.

6.Ms. Anju - Produced 7 learners. Two names did not correspond.

4. The objections raised by the respondents are two fold. The first objection is that all the learners taught have not been produced by the concerned petitioner

and secondly certain names of the learners do not correspond with those evaluated.

5. In so far as the plea of non-production of all learners is concerned the Explanation given is the same as in CWP 7264/2002 decided on 27-1-2003 where the Explanation for non-production of all learners being the migrant nature of the learners has been accepted. Consequently, the said objection and the response being similar, the non-production of all learners at a later point of time cannot come in the way of the petitioner unless and until the number produced is abnormally low. In the above CWP No. 7264/2002 production of 6 out of 10 learners was found sufficient. Furthermore, the case of the petitioners is that almost all the petitioners had taught about 15 learners and the list of learners verified on 18-1-2003 by the Director, SCERT included the said learners produced and verified by the Director on 18-1-2003. Even according to the respondent the lowest number of learners who were correctly verified were 5 out of 10.

6. Even in respect of Meena when 5 learners had been verified and objection for non tallying of 3 names has been given it is found that all the eight learners produced and verified on 18th January 2003 as per the table mentioned below was borne on the verified register as per table III in the chart extracted in the foregoing paragraph.

The scrutiny of the records also discloses that in the attendance register the name of each of the learners who was produced for verification is available.

7. The following table illustrates each petitioners case :

Sl.no.

Name & No. of petitioner

Name & No. of learners taught as verified from attendance register

Name & no. of learners verified by Director, SCERT

1.

Jamati

Beero, Indrawati, Omi Devi, Om, Saroj, Prem, Maya, Sunita Lado, Ramesh

- 8 present

- 2 Absent

Beero, Indrawati, Krishna, Omi Devi, Om, Ramesh, Saroj, Prem, Maya, Barfo, Suresh, Daya Kaur, Sunita Lado, Katasho (15)

2.

Meena Rani

Krishna Devi, Chandan Kaur, Kamla Devi, Roshni Devi, Santosh Devi, Ramrati

Devi, Krishna Devi, Bala Devi, Phulo Devi, Shakuntala Devi, Shanti Devi, Kaushalya Devi, Bimla Devi, Phuljhari Devi, Kamla Devi (15)

Krishna, Shakuntala, Bala, Chandan Kaur, Santosh, Bimla, Kaushalya, Phuljhari, Ramrati, Phulo Devi.

8 present.

2 absent.

3.

Seema

Anju Bala, Maya Devi, Shakuntala, Manju, Krishna, Sudesh, Kanta, Kamla, Bimla, Neeta, Babita, Savita, Maya Devi, Kalawati (14) Kanta, Anju, Manju, Babita, Krishna, Kamla, Shakuntala, Bimla, Maya Devi, Sudesh, Kamla

8 present

3 absent - Total 11

4.

Sarita

Renu, Babita, Ram Pyari, Darshna, Usha Devi, Attro, Saroj, Manita, Roshni, Anita(10) Renu, Ram Pyari, Anita, Saroj, Usha, Darshna, Babita, Manita, Attro, Roshni

7 present

3 absent

5.

Anju Rani

Risli Devi, Dholi, Raj Bala, Sunita, Rekha, Geeta, Mukhtyari, Ramrati, Santosh Devi, Geeta, Sudesh, Materi, Bedo, Dhanpati, Sumitra (15)

Risali Devi, Dholi, Rajbala, Sunita, Geeta, Mukhtyari, Ramrati, Rekha, Geeta, Santosh Devi

7 present

3 absent

6.

Sushma

Kunti, Shakuntala, Sheela, Kamla, Bimla, Geeta, Sudesh, Sunita, Shakuntala, Sangeeta, Savitri, Angoori, Sarla, Prakash, Mutri Devi (15)

Kunti Devi, Kamla Devi, Geeta Devi, Sudesh Devi, Sunita Devi, Sarla Devi,

Shakuntala Devi, Bimla Devi, Shakuntala Devi, Sangeeta Devi

6 Present

4 Absent

8. Thus it is also clear that all the learners which were verified on 18th January 2003 by the Director, SCERT as per table IV above also borne on the register of learners which was also verified in table III above. Ms. Avinash Ahlawat learned counsel for the respondent submitted that this variance has been found not from the register but from the evaluation sheet submitted by the petitioners. However, the verification discloses that a substantial number of learners were produced by the petitioner and the discrepancy pointed out in the learner's name has been explained satisfactorily. Even if the respondent's stand about the variance between evaluation sheets and the learners verified as per column IV on 18th January 2003 is accepted, in my view production of 5 out of 10 learners for verification was sufficient for the petitioners to establish their claim.

9. The learned counsel for the respondent also submitted that the course of ETE had already commenced and regardless of the merits of the claim raised in the writ petition granting of relief of admission may not be justified in the facts of the present case. The plea of the learned counsel may have substance insofar as petition which may be filed freshly but this writ petition was filed on 13th November 2002 and thereafter time was taken in the process of physical verification of the learners by the Director, SCERT and submission of the report of verification and the hearing pursuant to the response filed by the petitioner to the verification. Accordingly this plea of relief now being infructuous due to delay cannot be entertained in this petition filed on 13th November 2002 and the special facts of the case warranting the eventual verification by the Director, SCERT. However, it is made clear that this writ is founded on the special facts which led to a revivification and can not be a precedent where such a factual situation does not exist.

10. In this view of the matter and taking into account the judgment of this Court in *Deepti Sharma & Ors vs. SCERT & Ors* in CWP NO. 4462/2000 dated 21st November, 2001, which fully covers the issue involved in the present petition, the writ petition is allowed and the petitioner shall be permitted to join the ETE course forthwith.

11. This Court hereby records the appreciation of the effort put in by Dr. Janki Rajan, Director, SCERT, in going out of her way to do the verification of the candidates.

12. The petition stands disposed of accordingly.