

(2003) 01 DEL CK 0014
In the Delhi High Court
Case No : CWP 7264 of 2002

Ms. Manju

APPELLANT

Vs

Lt. Governor and Others

RESPONDENT

Date of Decision : 27-01-2003

Acts Referred:

Citation : (2003) 4 AD 206 : (2003) 104 DLT 583 : (2003) 71 DRJ 783

Hon'ble Judges : Mukul Mudgal, J

Bench : Single Bench

Advocate : Arun Bhardwaj, for the Appellant; Avnish Ahlawat, for the Respondent

Final Decision : Allowed

Judgement

Mukul Mudgal, J.—The petitioner 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 was placed at Serial No.32 of the merit list and was thereafter required to appear before the respondents with the necessary documents and certificates on 26th August 2002. The petitioner did so and all her documents, certificates were considered and scrutinised by the respondents and were found meeting all prescribed requirements. Pursuant to action taken on the representation to the Minister of Education on being unfairly denied the admission, in spite of fulfilling all prescribed requirements, the petitioner was again interviewed and on 31st October 2002 the petitioner was again not found in the list of successful candidates and the denial of admission was challenged by this writ petition on averments, inter alia, that at least five candidates selected had ranked lower than the petitioner 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.

3. 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.

CW 7348/2002 & CM 12409/2002

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. Pursuant to the order of this Court dated 14th January, 2003, the petitioner had produced six learners out of 10 learners who were taught by her, to enable the Director SCERT to verify the genuineness of the certificate produced by the petitioner. The only objection in so far as the petitioner in the present writ petition is concerned is to be found in paragraph 14 of the report dated 18.1.2003 given by the Director, SCERT today in Court which reads as under:-

"14. In the case of Ms. Manju, she produced 6 learners. All the names were common with the names given by her earlier in the evaluation sheet. However, 6 falls far short of the requirement of 10 learners stipulated in the Prospectus."

4. The only objection raised by the respondent is with regard to the number of candidates target by the petitioner. Since the learners were taught by the

petitioner from March, 1999 to April, 2000, the petitioner's submission that the other learners who belonged to the labour class and have since migrated is reasonable and indeed bonafide and deserves to be accepted. There is no other deficiency averred by the respondent in the petitioner's case particularly when she has fully satisfied the requirements indicated in clause (iv) to the following effect.

"iv) EFA Students i) Certificate from Associate Coordinator countersigned 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."

5. 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.

6. 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.

7. The petition stands disposed of accordingly.