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**(2002) 10 DEL CK 0094**

**In the Delhi High Court**

**Case No : CW No. 4062 of 2002 and CM 6906 of 2002**

Ms. Maria Khatoon

APPELLANT

Vs

University of Delhi and Others

RESPONDENT

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**Date of Decision : 03-10-2002**

**Acts Referred:**

**Citation : (2003) 66 DRJ 99**

**Hon'ble Judges : Manmohan Sarin, J**

**Bench : Single Bench**

**Advocate : Shyam Moorjani, for the Appellant; A. Mariaputham and Anurag Mathur, for the Respondent**

**Final Decision : Allowed**

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## **Judgement**

Manmohan Sarin, J.

Rule.

1. With the consent of the parties, writ petition is taken up for disposal.
2. Petitioner is aspirant for admission to the Bachelor of Unani Medicine and Surgery (BUMS) in Tibbia College. Grievance of the petitioner is that she had secured 64.3% marks aggregate of 193 marks in Physics, Chemistry and Biology. Petitioner claims she has been denied the admission, while an applicant securing lesser marks e.g. Mr. Aftab Alam with 192 marks had been admitted. Besides, there are 17 persons less marks than petitioner who have been admitted.
3. Counter affidavit has been filed by the University. University had denied admission to the petitioner on the ground that the petitioner failed to furnish the requisite certificate of Urdu qualification. Petitioner has in fact failed to furnish the marksheet. It may be noted that the last date of application was 20.6.2002. Petitioner claims to have furnished the application form together with certificate of Urdu qualification on 18.6.2002. This certificate was not considered complete and requisite. in the absence of marksheet, respondent university denied

admission to the petitioner. It would be necessary to consider the requirements as set out in the prospectus with regard to the documents to accompany the application. Clause 7 dealing with submission of application is as under:

"7. Submission of Application.

(a) Application for admission will be received up to 20th June, 2002.

(b) Applications are to be submitted separately for B.A.M.S./B.U.M.S./B.H.S.S. Courses.

(c) Medical fitness certificate in original from a registered medical practitioner holding B.A.M.S./B.U.M.S./B.H.M.S./M.B.B.S. degree or equivalent degree, should accompany the admission form.

(d) The attested copies of the following certificate should be attached with the application form:--

1. Secondary School Certificate and its marks sheet.
2. Senior School Certificate and its marks sheet.
3. Separate Certificate of date of birth, if its is not shown in the certificate (1) above.
4. Character certificate from the Head of the institution last attended (Not before than six months)
5. Urdu (for B.U.M.S.) qualification of at least metric Standard.
6. Hindi certificate for all candidates up to 10th standard applying for B.A.M.S. Course and for other courses up to 8th standard.
7. Certificate of SC/ST (if applicable).
8. Entitlement card for defense personnel (if applicable)."

Sub-clause 5 is relevant for the present controversy. Requirement is furnishing of Urdu (BUMS) qualification of atleast metric standard.

4. From the foregoing, it would be seen that the requirement is only to give documentation to satisfy the University that the petitioner had studied Urdu and obtained qualification of atleast metric standard. There was no specific requirement to furnish the marksheet or the marks obtained by the petitioner. Rationale for this is not far to seek. It appears for the BUMS course, working knowledge of Urdu is required. The said requirement would appear to be satisfied with a person, who has studied and qualified Urdu, up to metric standards. Excellence or a very high proficiency in the same is not insisted upon. It is for this reason that no qualifying minimum percentage is prescribed. Another factor, which lends support to the view being taken is that wherever in para 7, marksheet was required the same was specifically mentioned. This is apparent from items 1& 2, where secondary certificate together with marksheet was

required to be submitted.

5. In this view of the matter petitioner cannot be said to have submitted an incomplete application form. Certificates furnished by the petitioner is at page 24, which is in the following terms:-

TO WHOM SO EVER IT MAY CONCERN

Certified that Ms. Maria Khatoon D/o. Mr. Mohd. Ghufraan appeared in the Examination of Adeeb-E Mahir 2001-2002 bearing Roll NO. 466 Enrollment No.37919/D at Amroli Centre of Jamia urdu, Aligarh and she got through with high percentage.

Sd.

(S. Amear Saeed)

6. It is not disputed before me that the examination Adeeb-E Mahir, is recognised as equivalent to metric and the qualification is from an institution recognised by the respondents.

7. In view of the foregoing discussion, the rejection of the petitioner's application on the ground of non-furnishing of the marksheet cannot be sustained and is set aside. Respondents are directed to admit the petitioner, who has obtained the requisite qualifying marks required for the BUMS course. It may be noted that admission to one seat to the BUMS Course 2002 was made subject to the outcome of the writ petition vide order dated 11.7.2002. In any case, Mr. Mariaputham states that there is a vacancy available.

Writ petition is allowed.