

(2004) 10 JH CK 0036

In the Jharkhand High Court

Case No : Writ Petition (S) No. 5117 of 2004

Mukteshwar Kumar Das and Another

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

Date of Decision : 07-10-2004

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2005) 1 JCR 46

Hon'ble Judges : Tapen Sen, J

Bench : Single Bench

Advocate : Delip Jerath and Manoj Tandon, for the Appellant; P.D. Agarwal, I. Sen Choudhary and H.K. Mehta, for the Respondent

Judgement

Tapen Sen, J.—Heard the parties.

2. Although the Ranchi University has not been made a party, Mr. A.K. Mehta appeared for the Ranchi University and assisted this Court on behalf of the said University.

3. There is no question of mandating Vinoba Bhave University to allow the petitioners to appear in the ensuing B.Ed. examination because of the peculiar facts and circumstances of this case. In 1987, the petitioners were appointed as Assistant Teachers in the Government Middle School. They were sponsored for training on 19.8.1992 (Annexure-1) whereafter they were released for purposes of going back to their parent institution in their respective Schools. Thereafter the Ranchi University decided to hold the B.Ed. examinations for the Sessions 1990-1991, 1991-1992, 1992-1993 in February 1994 but that examination was postponed and was subsequently held on 9th August, 1994. The petitioners were registered with the Ranchi University for appearing in the said examination for the Session 1992-1993. The petitioner No. 1 got Registration No. 20435 of 1977 of the Ranchi University while the petitioner No. 2 got Registration No. 16303 of 1986 of Ranchi University. These are specifically mentioned in Annexures 4 and 4/1 appended to the Writ Petition. Thus for all practical purposes, these two

petitioners are registered students of the Ranchi University. It is stated that the petitioners appeared in the examination but they failed in one paper namely Optional Method Paper as a result of which they were declared to have failed. Thereafter, for reasons best known to the University concerned, no examinations were held in relation to the College concerned. In the meantime the Vinoba Bhave University had already come into existence.

4. Now the petitioner wants a writ of mandamus upon the Vinoba Bhave University with a direction that they should be mandated to allow the participation of the petitioners in the ensuing B.Ed. examinations for the Session 2003-04 in relation only to the subject in which they had failed.

5. This prayer is clearly misconceived and does not deserve any consideration because the petitioners are not registered students of the Vinoba Bhave University. They are registered students of the Ranchi University and they certainly do have a right to approach the University in which they are registered for consideration of their case including allowing them to appear in all the subjects in the coming session of the B.Ed. examination that may be conducted by the said University. To that extent, the petitioners may approach the Vice Chancellor of the Ranchi University and make a prayer for a consideration.

6. Taking into consideration the peculiar facts and circumstances of this case, this Court is of the opinion that for purposes of allowing the petitioners to appear de novo in B.Ed. examination in all the subjects, no unwarranted objection should be put in their way because after all, all that they want, is the enhancement of their education which, incidentally, is a right conferred under the Constitution now. That being the position, they should be allowed enhancement of their educational qualifications and technical objections should not come in their way so as to prevent them from acquiring higher qualifications but it should be only from the University to which they belong.

7. If any representation is filed in the light of the observations made herein within ten days before the Vice Chancellor, Ranchi University, the same should be disposed off as expeditiously as possible and preferably within a period of four weeks from the date of receipt thereof.

The Writ Petition stands disposed off.