

(1995) 11 KAR CK 0017

In the Karnataka High Court

Case No : Writ Petition No"s. 31365 to 31373 of 1995

Narayanappa

APPELLANT

Vs

State of Karnataka

RESPONDENT

Date of Decision : 16-11-1995

Acts Referred:

Karnataka Selection of Candidates for Admission to Teachers Higher Course Rules, 1995 — Rule 3, 4, 4 (i)c

Citation : (1995) ILR (Kar) 3573 : (1995) 6 KarLJ 315

Hon'ble Judges : G.C. Bharuka, J

Bench : Single Bench

Advocate : Vishwanath, for the Appellant; A.V. Srinivasa Reddy, Addl. G.A for R-1 and R-2, for the Respondent

Final Decision : Allowed

Judgement

Bharuka, J.—Heard the learned Counsel for the petitioners and Mr. Reddy, learned Additional Government Advocate for respondents 1 and 2.

2. The present Writ Petitions have been filed by the petitioners seeking a Writ of Mandamus directing the respondents to select and admit the petitioners to First Year T.C.H Course in Telugu Medium at Sri Bhavani Teachers Training Institute, Bethamangal, Bangarpet Taluk, Kolar District (in short, the Institute) which has been declared as Linguistic Minority Institution for imparting education of T.C.H. Course in Telugu Medium.

3. It is not in dispute that the Institute which has been established is being administered by a Telugu speaking linguistic minority imparting education in T.C.H. Course in Telugu Medium. The petitioners are the members of the said Telugu speaking minority community. It is said that the admission to the course is governed by the provisions contained under the Karnataka Selection of Candidates for Admission to Teachers Higher Course Rules, 1995 (in short, the Rules). Rule 3 of the said Rules, prescribes the eligibility for admission to the Course and it reads as under:

"3.Eligibility: No person shall be eligible for admission to Teachers" Certificate Higher Course unless he-

(a) has passed the Second Year Pre-University Course/Pre-University Vocational Course or its equivalent; provided that the minimum marks for the purpose of qualification specified above shall not be less than:-

i) thirty five percent in the case of candidates belonging to Scheduled Castes/ Scheduled Tribes and Group-A and physically disabled persons specified in the relevant Government order;

ii) forty percent in the case of General Category candidates, (b) is a citizen of India."

4. Mr. Reddy, learned Additional Government Advocate submits that admissions have been denied to these petitioners because they are not Karnataka students within the meaning of Rule 2(d) of the Rules. I do not find any provision under the Rules to support the said ground taken on behalf of the respondents. As per the Eligibility Clause, every citizen of India is entitled to secure a seat to the course in question provided he fulfils the other eligibility criteria. Therefore, this objection taken on behalf of the respondents has to be outrightly rejected.

5. Rule 4 of the Rules provides for allocation of seats. In Clause (c) of Sub-rule (i) of Rule 4 of the Rules, it has been provided that, seventy five percent of the seats in the unaided institutions will be Government seats which has to be filled up in accordance with the procedure for selection laid down under the Rules. No provision has been made specifically with regard to filling up of the seats in minority institutions. Keeping in view this aspect, this Court in W.P.Nos. 27179 to 27182 of 1995 and connected cases disposed of on 2.9.1995 Associate/ Management of Tele Training institutions v. State has inter alia held that the Rules in question should be read down to the extent that 50% seats in the unaided minority institutions will be Government seats and the rest of the seats in the said institution shall be filled up by the Management.

6. In the present case, as has been admitted by the respondents in the statement of objections, the total intake capacity of the institution is 60. It has further been admitted that as per the letter dated 31.10.1995 of the Superintendent of the Institution addressed to the third respondent, they have admitted only 18 students out of 30 seats to be filled by the management. As such, there are still 12 seats vacant.

7. By an Interim Order dated 22.8.1995, this Court had directed the respondents to keep 9 seats vacant in the Institution in the first year T.C.H. Course. In the above view of the matter, in my opinion, all the 9 petitioners are entitled to be admitted in the Institution as claimed by them to the first year T.C.H. Course. They will be admitted if they are otherwise found to be eligible as per Rules. Ordered accordingly.

Writ Petitions are thus allowed.

No Costs.