courtkutchehry.com

Company : CourtKutchehry
Website : www.courtkutchehry.com
Printed For :
Date : 13/09/2026

(2016) 02 RAJ CK 0097

In the Rajasthan High Court

Case No : Civil Writ Petition No. 655 of 2016.

Nitesh Kumar Goyal and Others — APPELLANT

Vs

Maharaja Ganga Singh University, Bikaner and another. — RESPONDENT

Date of Decision : 19-02-2016

Acts Referred:
Constitution of India, 1950 — Article 226

Citation : (2016) 1 WLCRajUC 558

Hon'ble Judges : Arun Bhansali, J.

Bench : Single Bench

Advocate : Deepak Bishnoi, Advocate, for the Appellant; D.D. Chitlangi, Advocate, for the Respondent

Final Decision : Dismissed

Judgement

Arun Bhansali, J. - This writ petition has been filed by the petitioners seeking a direction to the respondent No.1 ? University not to disallow the petitioners from pursuing their M. Sc. (Final) year Chemistry course; to allow the petitioners to appear in the M.Sc. (Final) year Chemistry Examination-2016; enroll the petitioners and issue their mark-sheets.

2. The respondent No.1 ? University issued the programme for admissions in Post Graduate Course in various subjects including two years M.Sc. Course in Chemistry.

3. The petitioners who were B.Sc. applied for admission with the respondent No.2 College and the College accepted the fees from petitioners; the petitioners after pursuing their studies for M.Sc. (Previous) deposited examination fees for appearing in the Examination, 2015; the respondent issued provisional admission cards for appearing in the examination and the result of the petitioners was declared; however, the mark-sheets were not issued as the petitioners were not enrolled with the University; it is claimed that after passing of M.Sc. (Previous), the petitioners were granted admission for M.Sc. (Final) and after pursuing their

Downloaded from CourtKutchehry — https://dev.courtkutchehry.com/judgments/nitesh-kumar-goyal-and-others-…

studies they submitted their examination forms for Examination, 2016; however, it is claimed that by oral order, the respondents denied permission to appear in M.Sc. (Final) examination on the ground that at the time of taking admission, petitioners were ineligible as they were not having 60% marks in B.Sc.; based on the averments, the reliefs as indicated hereinbefore, are claimed.

4. It is submitted by learned counsel for the petitioners that the petitioners were granted admission after completing their B.Sc. in M.Sc. Chemistry course and they passed their Examination, 2015 and have further pursued their studies for M.Sc. (Final); however, the action of the respondents in not permitting the petitioners on account of their alleged ineligibility at the time of grant of admission, cannot be permitted; it is claimed that the action is illegal, arbitrary, unjust and violative of Article 14 and 16 of the Constitution of India; the action in stopping the petitioners at the final stage of the course is discriminatory and against the principles of natural justice and ultimately it was submitted that the writ petition be allowed.

5. A response has been filed by the respondent University and it was, inter alia, indicated that the Directorate, College Education, Rajasthan has issued Admission Policy for the Universities and Colleges and Rules have been framed therein for admission to various courses, which are required to be followed by all the Universities and Colleges to maintain the standard of education; the minimum eligibility for taking admission in M.Sc. for the students, who obtained their eligibility degree from within Rajasthan is at least 55% marks and for those, who pass their eligibility exam from outside Rajasthan is 60%, a copy of the Rules has been annexed with the reply; it is submitted that petitioners, who are from outside the State of Rajasthan do not possess 60% marks in their 10+2+3 exam and copies of the mark-sheets have been annexed; it is further submitted that respondent No.2 College granted admission to the petitioners despite being ineligible against the Rules/Admission Policy of the State only on account of the fact that there were vacancies in the College; the answering respondent on coming to know of the grant of admission to ineligible candidates, issued notice to the respondent No.2.

6. It is further indicated that the petitioners have not been enrolled so far for lack of eligibility and the petitioners were permitted to take admissions for M.Sc. (Previous) despite not being enrolled as the requisite documents regarding minimum educational qualification and eligibility were not submitted by the respondent No.2 College; it is further submitted that merely by granting admission by respondent No.2 ? College against the prescribed Policy of the State, the University is not bound and the petitioners cannot claim any relief against the respondent University and, therefore, the writ petition deserves to be dismissed.

7. I have considered the submissions made by learned counsel for the parties and have perused the material available on record.

Downloaded from CourtKutchehry — https://dev.courtkutchehry.com/judgments/nitesh-kumar-goyal-and-others-…

8. The declared Policy of the State regarding grant of admission to various Post Graduate courses including the M.Sc. (Chemistry) is clear, wherein, a student from outside the State is required to have 60% marks in the qualifying examination; it is also not in dispute that all the four petitioners are not having the required qualifying marks i.e. all the students are having less than 60% marks; the petitioners are having only 45.65%, 50.42%, 56% and 59% marks in the qualifying examination; it is also apparent from the record that the respondent No.2 College has granted admission to the petitioners ignoring the minimum eligibility criteria laid down by the State and till the stage of petitioners appearing in the M.Sc. (Previous) examination did not even submit the requisite documents with the respondent No.1 University, which is apparent from the fact that the provisional permission letters cum admission cards were issued to the petitioners without indicating there enrolment numbers; the respondents have clearly indicated that the petitioners were provisionally permitted to appear in the examinations for lack of their enrolment with the University and, therefore, merely by appearing in the M.Sc. (Previous) examinations, the petitioners cannot claim any right; despite the fact that the petitioners were not enrolled and were only permitted provisionally to appear in the examination, the fact that the petitioners did not care regarding finding out the reason for provisional permission and for lack of enrolment clearly indicates that petitioners were well aware of their ineligibility else they would not have waited for all these period i.e. on receipt of their admission card way back on 04.03.2015 in approaching this Court.

9. The letter written by the respondent No.2 College on 02.09.2015 is clearly reflective of the illegal action of the respondent No.2 College; the letter reads as under:-

Jheku~ ijh{kk fu;a=d]

egkjktk xaxk flag fo''ofo|ky;]

chdkusjA

fo"k; % and vkids i=kad dzekad 16652 fnukad 09-09-2015 ds lanHkZ esaA

Jheku th]

mijksDr fo"k; esa fuosnu gS fd egkfo|ky; Lrj ij lapkfyr ladk; jlk;u foKku esa lhVsa fjDr gksus ij vko'';d izfr''kr ls de vad/kkjh Nk=ksa dks izos''k fn;k x;k Fkk o bl ckcr ,d i= fnukad 26-08-2014 dzekad 284 vk;qDr dkyst f''k{kk t;iqj dks Hkst dj izos''k dh vuqefr pkgh xbZ Fkh ijUrq vkt fnol rd bldk dksbZ izR;qRrj izkIr ugha gqvk gSA bl nkSjku Nk=ksa dh okf"kZd ijh{kk lEeu gksdj ifj.kke ?kksf"kr gks pqdk gSA egksn;] mijksDr de vad/kkjh Nk=ksa dk ukekadu ugha gksus ds dkj.k budk ijh{kk ifj.kke tkjh ugha gqvk gSA

vr% Nk=ksa ds Hkfo"; dks ns[krs gq, vkils fouez fuosnu gS fd Nk=ksa dk ukekadu dj ijh{kk tkjh djus dh d`ik djsA

Downloaded from CourtKutchehry — https://dev.courtkutchehry.com/judgments/nitesh-kumar-goyal-and-others-…

egkfo|ky; }kjk Hkfo"; esa bl izdkj dh iqujko`fRr ugha dh tkosxhA

l/;okn

Hkonh;

sd/-

Lokeh ds''kokuUn xzkeksRFkku

egkfo|ky;

fo|kihB] laxkfj;k

dksM la0 101957

10. The respondent University had also vide Annexure-R/1/4 clearly indicated that as the petitioners were not eligible, it is only the College, which would be responsible for the said students.

11. From a perusal of the chronology as noticed herein before, it is apparent that in the Policy of the State there is no provision for the Colleges to be permitted to grant admission by relaxing the minimum qualifying norms in case the seats remained vacant with them, despite that the respondent No.2 College granted the admissions and petitioners despite being aware of the eligibility requirements took admission at their own risk and consequence; the attempt on the part of respondent No.2 College and the petitioners to tilt the balance of equity in their favour merely by managing appearance of the petitioners in M.Sc. (Previous) examination despite being not enrolled with the University only on provisional basis, only with a view to overcome the ineligibility of the petitioners cannot be encouraged by permitting the petitioners to complete their course despite the fact that they are clearly ineligible in terms of the criteria laid down by the State Government.

12. The respondent No.2 College has clearly violated the Guidelines/Policy/Rules laid down by the State for the purpose of granting admissions to various courses and has apparently only with a view to suppress and/or hide its wrong doing has put forth the students before this Court only with a view to see that on account of sympathy for the careers of the students, the illegal and unethical action of the respondent No.2 would get legitimacy.

13. Any relief granted in the present circumstances would harm the larger interest of the students/the educational scenario as a whole as the same would encourage the Private Colleges/Colleges/Institutions in granting admission to ineligible candidates and would seek to invoke the sympathy in the name of the careers of students and, therefore, the said attitude/attempt has to be nibbed in the bud.

14. In view of the above discussion, no directions can be issued to the respondent University to enroll and permit the petitioners, who are ineligible to even get the admissions in the said course and, therefore, the writ petition filed

Downloaded from CourtKutchehry — https://dev.courtkutchehry.com/judgments/nitesh-kumar-goyal-and-others-…

by the petitioners is dismissed. However, the petitioners would be free to take appropriate action against the respondent No.2 College.

Downloaded from CourtKutchehry — https://dev.courtkutchehry.com/judgments/nitesh-kumar-goyal-and-others-…