

(2001) 09 AP CK 0032

In the Andhra Pradesh High Court

Case No : Writ Petition No. 16887 of 2001

P. Rajendra Babu and Others

APPELLANT

Vs

Convener, ICET 2001, University College of Commerce and
Business Management, O.U. and Others

RESPONDENT

Date of Decision : 13-09-2001

Acts Referred:

Andhra Pradesh Common Entrance for Admission into Post Graduate (Master of Business Administration and Master of Computer Application) Professional Courses Test Rules, 1996 — Rule 4, 5

Andhra Pradesh Educational Institutions (Regulation of Admission and Prohibition of Capitation Fee) Act, 1983 — Section 12, 3
Constitution of India, 1950 — Article 226

Citation : (2001) 6 ALT 147

Hon'ble Judges : B. Sudershan Reddy, J

Bench : Single Bench

Advocate : B. Nageswara Rao, J.R. Manohar Rao and C. Kodanda Ram, for the Appellant; K. Ramakantha Reddy, S.C. for Osmania University for Respondent No. 1 and T. Rajendra Prasad, S.C. for Andhra University, for the Respondent

Final Decision : Dismissed

Judgement

B. Sudershan Reddy, J.—These writ petitions may be disposed of by common order since common questions arise for consideration and the subject matter that arises for consideration in all these writ petitions is one and the same. The submissions made by the learned Counsel appearing on behalf of the petitioners and learned standing Counsel appearing on behalf of the respondent University are common in all these cases.

2. The eligibility criteria prescribed by the Andhra University for admission into M.C.A. course is challenged in these writ petitions. Before we proceed further, it may be necessary to notice the Eligibility Criteria:

"(a) MCA Candidates should have passed the Bachelor degree of minimum 3 years duration (10 + 2 + 3) or (10 + 2 + 4) pattern in any subject with at least

50% of marks aggregated over all years of study (relaxable by 5% in case of SC/ST candidates).

Only group marks will be considered in case of B.A/B.Sc./B.Com/B.Li.Sc./ B.B.M./ B.C.A.

HOWEVER THE CANDIDATES SHOULD HAVE STUDIED MATHEMATICS AT 10+2 LEVEL."

3. The petitioners herein in response to the advertisement issued by the Convenor ICET-2001, University College of Commerce and Business Management, Osmania University, Hyderabad, inviting applications for Common Entrance Test for Admission into M.B.A. and M.C.A. courses for the academic year 2001-2002 submitted their applications and accordingly appeared for the Common Entrance Text held on 25-5-2001. The first respondent-Convenor conducted the said test. Each of the petitioners secured some rank with which we are not concerned for the present in these cases.

4. Andhra University issued notification inviting applications from eligible candidates seeking admission into M.C.A. course. In the notification itself, the eligibility criteria for admission into M.C.A. course is prescribed and notified for the information of the candidates. We have already noticed the eligibility criteria prescribed by the University.

5. It is submitted that there is no justification whatsoever on the part of the Andhra University in requiring that the candidates should have studied mathematics at 10 + 2 level and the prescription of such criteria of studying mathematics at 10 + 2 level, according to the petitioners, is arbitrary. It is also contended that the same is contrary to the notification and the Rules issued by the first respondent-Convenor. Learned Counsel for the petitioners placed reliance upon the Rules in The Andhra Pradesh Common Entrance for Admission into Post Graduate (M.B.A. and M.C.A.) Professional Courses Test Rules, 1996 (for short "the Test Rules"). Rule-4 of the Test Rules prescribes the eligibility qualification for admission to Common Entrance Test for M.B.A. and M.C.A. courses and the Rule inter alia, provides that "candidates seeking admission to Common Entrance Test for M.C.A. Course should have passed/appeared a Bachelor's Degree of minimum 3 years duration from any recognised University with Mathematics at 10th Class". According to the petitioners, all of them have studied Mathematics in 10th Class and they are qualified to seek admission into M.C.A. Course in the respondent University. It is submitted that there is no requirement that the candidate should have studied mathematics at 10 + 2 level also.

6. In the counter-affidavit filed by the respondent University, it is stated that the Andhra University having constituted a Committee to make admission into M.C.A./ MBA course decided to specify the eligibility criteria for each course. It is asserted that each of the Universities has its own norms and standards and the eligibility criteria is prescribed by the respective Board of Studies and other

academic bodies of the University concerned. It is further submitted that taking all the relevant factors into consideration and particularly the norms and standards specified by All India Council for Technical Education, the University thought it fit to specify the eligibility criteria for the candidates seeking admission into M.C.A. Course of the University. It is stated that it is purely an academic decision prescribing basic qualification for admission into M.C.A. course. Mere fact that other Universities in the State have not prescribed the same qualification is of no consequence.

7. It is required to notice that the Test Rules framed by the Government of Andhra Pradesh in purported exercise of powers conferred u/s 3 read with Section 12 of the Andhra Pradesh Educational Institutions (Regulation of Admission and Prohibition of Capitation Fee) Act, 1983 have no concern whatsoever with the admission of candidates into M.C.A. course in any of the Universities in the State of Andhra Pradesh. Rule-4 of the Test Rules prescribes the eligibility criteria for admission to Common Entrance Test for M.B.A and M.C.A. Courses. The qualification and eligibility criteria prescribed by the said Rule relates to admission to Common Entrance Test for M.C.A. course. No doubt, the said Rule prescribes a Bachelor degree of minimum three years duration from any University with mathematics in 10th Class. There is no requirement that the candidate should have studied mathematics at 10 + 2 level. But, the Test Rules relate to the admission to Common Entrance Test and not admission to the course itself offered by the University. The Rules of admission into the course are different from the Rules of admission to the Common Entrance Test. Therefore, the contention that the Rules framed by the Andhra University requiring that the candidates should have studied mathematics at 10 + 2 level apart from other qualifications is contrary to Rule 4 of the Test Rules, is totally untenable and unsustainable. The submission is totally misconceived.

8. The Rules framed by the Andhra University relate to admission of candidates into the courses. It is no doubt true that the admission into the course would depend upon qualifying marks secured by the candidate in the Entrance Test. A common merit list is required to be prepared for making admission into M.C.A. course, but that list has nothing to do with the prescription of qualification for admission into M.C.A. course offered by the University.

9. A bare reading of Rule 5 of Test Rules itself would make it clear that mere appearance in the Entrance Test does not entitle a candidate to be considered for admission into the respective courses automatically unless the candidate: (a) applies to the University concerned; and (b) satisfies all the eligibility conditions of admission stipulated by the concerned University/Authority/Government. Therefore, it is clear that the candidates seeking admission into M.C.A. course should have qualified in the Common Entrance Test conducted in accordance with Test Rules and also should satisfy all the eligibility conditions stipulated by the concerned University. Mere appearance and securing a rank in the Entrance Test itself does not confer any automatic right of admission into the course.

10. It is further required to notice that All India Council for Technical Education prescribed norms and standards and also qualification for admission into M.C.A. course, which is to the following effect:

"4.0 ADMISSION QUALIFICATIONS:

Since almost all sectors of industry, commerce, administration are in need of professionals for their computerization programme, the M.C.A. programme which is targeted to some managerial functions has to necessarily be designed in such a manner that candidates with minimum mathematical background upto 10 + 2 level and first degrees in any of the disciplines may be able to benefit from this programme. The minimum qualifications for M.C.A. programme is prescribed as a Bachelor's degree of minimum three years duration in any discipline but with mathematics knowledge of 10 + 2 level."

The admission qualifications prescribed by All India Council for Technical Education is in the arena of maintenance of academic standards. It is entitled in law to prescribe such qualifications. The Andhra University merely followed the norms and standards prescribed by the All India Council for Technical Education and accordingly incorporated the same as one of the eligibility criteria for admission into M.C.A. course.

11. The contention that other Universities in the State of Andhra Pradesh are not insisting upon such qualification and the action of the Andhra University alone prescribing such qualification is discriminatory, is equally untenable and unsustainable. Each University is entitled to have its own norms, syllabus, academic standards etc., with reference to each of the courses offered by it. The eligibility and qualifications prescribed by the Universities need not be uniform. The plea of discrimination is totally misconceived. In *P. Vijayakumar and Others Vs. Kakatiya Institute of Technology and Sciences and Another*, it is observed by a Division Bench of this Court that "unless there is legislation requiring all Universities to follow the uniform standards in the matter of backlogs, such uniformity of standards cannot be imposed by the judicial determination". In the said decision, it is further observed that "merely because the petitioners were allotted through the Common Entrance Examination to the respondent Universities, they cannot claim that the respondent University must be compelled to follow the uniform procedure of another University." The said decision is a complete answer for both contentions urged by the learned Counsel for the petitioners.

12. It is equally well settled that this Court in exercise of its jurisdiction under Article 226 of the Constitution of India normally does not interfere in academic matters. Prescription of qualifications and eligibility criteria, as rightly contended by the learned standing Counsel for the University, are in the nature of academic decision. Such academic decisions are not to be interfered with by this Court in exercise of its jurisdiction under Article 226 of the Constitution. This Court has no expertise to enter into that arena and find fault with the decision of the

University in prescribing certain qualifications and eligibility for admission into a particular course. The matter is best left to the academicians.

13. Further, it is contended that in W.P.No. 19085 of 2001, the petitioner is stated to have studied Vocational Maths after 10th Class. It is further contended that the said qualification would satisfy the eligibility prescribed by the Andhra University. I am unable to accept the contention of the learned Counsel for the petitioner for the simple reason that the University insisted that the candidate should have studied mathematics as a subject at 10 + 2 level the petitioner admittedly did not study mathematics at 10 + 2 level. A pass certificate issued by the Board of Intermediate Education to the effect that the petitioner passed Intermediate Public Examination in Radio and Television Technical Vocational Course is of no consequence. The petitioner did not pass Intermediate examination with mathematics as one of the subjects and that is the eligibility criterion for admission into M.C.A. course according to the norms prescribed by the University.

14. In W.P.No. 18830 of 2001, it is contended that the petitioner has already passed B.C.A course and in the circumstances, there is no meaning in insisting that the petitioner should have studied mathematics as one of the subjects at 10 + 2 level for being admitted into M.C.A. course. Such qualification, if any, ought to have been prescribed even for entering into the B.C.A course. The submission has no merit. It is not for this Court to suggest that at what stage the University should have prescribed the said qualification. The University in its academic wisdom thought it fit to prescribe such criteria and qualification at the stage of admission into the course at Post Graduate level. This Court cannot interfere with such academic decisions as held in *P. Vijay Kumar v. Kakatiya Institute of Technology and Sciences* (1 supra).

15. For the aforesaid reasons, I do not find any merit in all these writ petitions. The writ petitions fail and shall accordingly stand dismissed and consequently, the interim order shall stand vacated.