

(1990) 03 AP CK 0001

In the Andhra Pradesh High Court

Case No : Writ Petition No. 1064 of 1989 and C.C. No. 172 of 1989

P. Venkataraman

APPELLANT

Vs

The Convener, B.Ed. Common Entrance Test Committee and
others

RESPONDENT

Date of Decision : 23-03-1990

Acts Referred:

Constitution of India, 1950 — Article 14, 15, 226, 29(2)

Citation : AIR 1991 AP 190

Hon'ble Judges : M.N. Rao, J

Bench : Single Bench

Advocate : Mr. A. Surya Rao, for the Appellant; Mr. G. Mohan Rao, S.C.,
Government Pleader for Education and Mr. P. Venkatarama Sharma, for the
Respondent

Judgement

1. The petitioner appeared for the entrance examination held on 21-8-88 for admission to B.Ed, course. He obtained 80 marks out of 150 and second rank No.09598. He holds N.C.C. "C" certificate. 1% of the total seats are reserved for N.C.C. cadets. The petitioner claimed a seat under the N.C.C. reserved quota. The third respondent secured rank No.42,000 in the entrance examination and obtained 55 marks. He too is a holder of "C" certificate in the N.C.C. The petitioner's grievance is that the third respondent was preferred although he secured a higher rank.

2. In the counter-affidavit the stand taken is that the categorisation amongst holders of "C" certificate in the N.C.C. was made by the Director General, N.C.C., Secunderabad.

3. Although an interim direction was granted by this Court on 8-2-89 it could not be implemented for the reason that the Principal of the College was not made a party and there was some confusion as to who should grant admission.

4. The learned counsel for the petitioner now says that the academic year was

over and, therefore, no useful purpose will be served in deciding the case on merits. Even so, I am of the view, that although due to the completion of the academic year the petitioner is unable to get any relief, the question of law must be settled so as to avoid confusion in the next academic year. The holders of "C" Certificate were sub divided into six categories for the purpose of giving admissions. This sub-division, it was claimed was based on the scrutiny and gradation made by the Director General, N.C.C. In the counter-affidavit filed by the first respondent -- Convenor, B.Ed. Common Entrance Test Committee, 1988, University College of Education, Hyderabad, -- it was averred:

"All the applications received from the candidates claiming a seat under N.C.C. category were referred to Director General, N.C.C., Secunderabad for scrutiny and grading. N.C.C. authorities, based on relative merit of the candidate in N.C.C. certificates and of certificates of other camps, have categorised into I, II, III, IV, V, VI etc."

The second respondent -- Deputy Director General of N.C.C. in his counter-affidavit has asserted that:

"It is submitted that B.Ed, applications along with N.C.C. "C" certificates were received in this office for confirming the genuineness of the certificate and the same were returned after verification. The classification of certificate holders into four different categories was done by the University Academic Council and not by this office."

5. There appears to be some confusion as to the real scope of categorisation of the holders of N.C.C. "C" certificate. The "Order of Preference" passed by the Academic Council of Osmania University does not indicate any further categorisation amongst the holders of N.C.C. "C" certificate. The Order of Preference relates to four categories under the head "Sports"; (1) Representing the Nation in World competitions; (2) World University Competitions Commonwealth Competitions; (3) Asian Games and (4) International Youth Competitions. So far as N.C.C. holders of "C" certificate are concerned the categorisation is as follows: (1) Holders of "C" certificate for Boys and G-II certificate for Girls who represented the country at the International level and (2) Holders of "C" certificate for Boys and G-II certificate for Girls who represented the State in Republic Day contingent.

6. It was admitted by the learned counsel for the University that the categorisation so far as N.C.C. candidates are concerned is confined only to what is contained in the Order of Preference issued by the Academic Council of the Osmania University. As already noticed the only classification amongst "C" certificate holders as per the Order of Preference relates to those who represented the country at the International level and those who represented the State in the Republic Day contingent. It is, therefore, clear that there cannot be any further classification amongst the holders of "C" certificate for purpose of admission to educational institutions. Whether a candidate has participated in

more number of camps and whether he has exhibited more skill as a N.C.C. cadet are factors totally irrelevant. See Registrar of Andhra University, Visakhapatnam and Others Vs. N. Venkateswarlu, . All the "C" certificate holders who represented the country at the International level constitute one group and based on their performance in the order of merit confined to that group admissions should be given. If any seats are left vacant they should be filled in the order of merit from amongst the candidates holding "C" certificate who represented the State in the Republic Day contingent. The future selection should be made keeping in view the above guidelines.

7. The writ petition is accordingly disposed of.

8. Order accordingly.