

(1985) 02 KAR CK 0048
In the Karnataka High Court
Case No : Writ Petition No. 15710 of 1984

Pearson Sankaran

APPELLANT

Vs

Director of Technical Education

RESPONDENT

Date of Decision : 12-02-1985

Acts Referred:

Constitution of India, 1950 — Article 14
Karnataka Entrance Test for Admission to Certain Professional Courses Rules, 1984 — Rule 5

Citation : (1985) ILR (Kar) 3690

Hon'ble Judges : Rama Jois, J

Bench : Single Bench

Advocate : M.N. Pramila, for the Appellant; N. Devadas, HCGP, for the Respondent

Final Decision : Allowed

Judgement

Rama Jois, J.—The petitioner, who was an applicant for selection for admission for Engineering Degree Course during the academic year 1984-85, has presented this Petition praying for the issue of writ of mandamus directing the first respondent to select the petitioner for admission to the Engineering Degree Course and to allot him a seat as against one of the seats in one of the Government Engineering Colleges or as against one of the Government seats in Private Engineering Colleges.

2. The facts of the case, in brief, are as follows: The petitioner passed the XII Standard examination of the Central Board of Education in September 1981. There is no dispute that the said qualification is considered equivalent to the two year Pre-University Course of the Board of Pre-University Education of this State. For the purpose of making selection for admission to the Engineering Degree Course during the current academic year, the State Government prescribed entrance test. For the purpose of holding the entrance test, the Government also framed rules called The Karnataka Entrance Test for admission to certain

professional courses Rules, 1984", ("the Rules" for short). The petitioner appeared for the entrance test seeking selection for admission to the Engineering Degree Course. At the entrance test, he secured 6663rd rank. The petitioner belongs to "Kuruba" Caste. He claimed selection against one of the seats reserved for Backward Castes on the ground that he satisfied both the caste test and also the income test. The petitioner was not selected only on the ground that he passed an examination equivalent to the Pre-University Examination earlier to 1982 Annual Examination. The petitioner has also questioned the constitutional validity of the Rules which provide that candidates who have passed Pre-University Course Examination on and after 1982 April and before the date of entrance test, as eligible for selection for admission during the academic year 1984-85.

3. Rule 5 of the Rules, as amended on June 28, 1984, was as follows:

"(b) He has passed not earlier to the period corresponding to the two academic years for which the application is made, the Second Year Pre - University examination of Karnataka or equivalent examination (including the twelfth standard examination of Central Board of Secondary Education and the Indian Senior School Certificate examination after twelve years of schooling) from a Government or recognised educational institution located in the State of Karnataka, and has obtained not less than 50 per cent of aggregate maximum marks in the subjects of Physics, Chemistry and Mathematics."

The unamended Rule in so far as it concerns the facts of the case was also similar.

4. According to the above Rule, for the purpose of admission to the Engineering Degree Course during the academic year 1984-85, the candidates should have passed the Pre-University Course or equivalent examinations during the academic years 1982-83 and 1983-84. In other words, the candidates who have passed the annual examination held some time in April/May 1983 and the candidates who have passed the Pre-University Course examination held in April/May 1984 or in any supplementary examination in between alone are eligible for selection for admission to the Course during the current academic year.

5. The relevant portion of the condition which was inserted in the Application form, however, read as follows :

"1. Eligibility :

Note : Those who have passed their PUC-2 or equivalent examination in Annual 1982 and onwards are only eligible."

6. As pointed out above, in view of Rule 5 of the Rules, no candidate who had passed Pre-University Examination prior to April 1983 Annual Examination was eligible for selection during the academic year 1984-85. But according to the Note, candidates who had passed the P.U.C. in April 1982, were also made eligible. It is not disputed that though the note was incorporated by the Director of Technical Education in implementation of Rule 5, it was contrary to the Rules

but it has been implemented under the belief that it was in conformity with Rule 5.

7. The petitioner is, however, denied the selection on the ground that he was ineligible even according to the Note as he passed the examination equivalent to Pre-University Course examination in September 1981, i.e., prior to April 1982, though the petitioner had passed the said examination during the academic year 1981-82. In other words, while the candidates who have passed the Pre-University examination or equivalent examination in April 1982, viz., during the academic year 1981-82, are rendered eligible, the petitioner who has passed the examination in the same academic year but in September 1981, is rendered ineligible.

8. The petitioner contends that the denial of selection on the sole ground that he passed the examination equivalent to the Pre-University Course examination in September 1981, was on no rational basis and , therefore , violative of Article 14 of the Constitution.

9. The two tests, which are well-settled, to find out whether the provisions of an Act or order, which classifies persons into two categories and treats them differently, is or is not violative of Article 14 of the Constitution, are :

(i) That the classification must be reasonable ; and

(ii) That even if the classification is reasonable, it must have nexus to the object sought to be achieved.

10. Therefore, the question for consideration is, if candidates who have passed the Pre-University Course examination in April 1982, i.e., during the academic year 1981-82, are rendered eligible for selection in the academic year 1984-85, under the Rules, what is rational basis to say that candidates who have also passed the Pre-University examination during the same academic year held in September 1981, are ineligible.

11. Counsel for the Respondents submitted that the basis for the Rule was that candidates who have passed the Pre-University examination earlier would have undergone the degree course and, therefore, there was no reason to give them seats in the Engineering Colleges during the academic year 1984-85.

12. I find it difficult to appreciate as to how the said basis is a rational one. A student who has passed the Pre-University examination held in September 1981 as also a student who passed the Pre-University examination held in April 1982 could join the degree course only in the academic year 1982-83 and not earlier and could complete the degree course only in the academic year 1984-85. Therefore, it is not correct to state that they would have completed degree as the degree is 3 years" course, Moreover , the Learned Counsel, rightly pointed out that even candidates who have passed the degree are eligible for admission to the engineering course and that 5% of the seats are reserved in favour of degree-holders.

13. The fact that a student who has passed the Pre-University examination was unable to get seat during one or two academic years and, therefore, he was studying for degree course, could hardly constitute a rational basis to deny him the seat if he is entitled to get the seat during the third academic year.

14. As pointed out by the Supreme Court in the case of D.R. Nim, I.P.S. Vs. Union of India (UOI), even while selecting a date for classifying persons into two groups, the date must have some rational basis. The State cannot, as pointed out by the Supreme Court, pick out. a date from a hat and say that the persons who have passed the Pre-University examination subsequent to that date are eligible and those who passed earlier are ineligible.

15. In the result, I hold that denial of seat to the petitioner was violative of Article 14 of the Constitution.

16. For the reasons aforesaid, I make the following :

ORDER

(i) Writ Petition is allowed.

(ii) A writ in the nature of mandamus shall issue to the first respondent to select the petitioner for admission to the Engineering Degree Course and, if according to the Regulations of the University it is possible to admit the petitioner during the current academic year, the petitioner shall be admitted to the Engineering Degree Course during the current academic year.

(iii) If according to the Regulations of the University the last date for admission is over and the petitioner cannot, therefore, be admitted to the Engineering Degree Course during the current academic year, the petitioner shall be admitted to the Course during the next academic year.