

(2019) 12 RAJ CK 0097

In the Rajasthan High Court

Case No : Civil Writ Petition No. 12676 Of 2019

Poonam Choudhary

APPELLANT

Vs

State Of Rajasthan And Ors

RESPONDENT

Date of Decision : 18-12-2019

Acts Referred:

Citation : (2019) 12 RAJ CK 0097

Hon'ble Judges : Ashok Kumar Gaur, J

Bench : Single Bench

Advocate : Khushboo Dadhich, Akhilesh Pareek, Vinod Kumar Gupta

Final Decision : Disposed Of

Judgement

The instant writ petition has been filed by the petitioner for seeking a direction to consider her eligible for appearing in the practical examination of M.A. (Geography) Final Year - 2019 in pursuance of the Notification issued on 11th July, 2019.

Learned counsel submitted the petitioner had passed her M.A. Previous Examination in the year 2016-17 and had appeared in M.A. Final Year Examination in the year 2017-18.

Learned counsel submitted that the petitioner appeared in all the four theory papers of M.A. (Geography) Final Year examination, however, she could not appear in the practical examination and as such, the petitioner was declared fail by the respondents.

Learned counsel submitted that though the petitioner had undergone 15 days' practical training for appearing in practical exam, however, filling of online examination form was not available to her and as such, she was prevented from submitting online examination form.

Learned counsel submitted that since there was a Notification dated 11th July, 2019 where it restricted for the candidates, who had appeared in theory

examination in the year 2019, to appear in the practical examination and since the petitioner did not appear in the theory examination - 2019 and she had appeared in theory examination - 2018, she has been deprived to appear in the examination.

Learned counsel further submitted that non-appearance of the petitioner in the practical examination was beyond her control and as such, her entire academic career will be affected if she is not permitted to complete Post Graduation.

Learned counsel for the respondent University submitted that the petitioner was required to appear in the practical examination of M.A. (Geography) Final Year within time schedule, prescribed by the authorities.

Learned counsel further submitted that the note, which was appended in the Notification dated 11th July, 2019 was rightly issued, as the candidates, who had appeared in theory papers in the year 2019, only such students were allowed and since the petitioner did not participate and appear in theory papers of M.A. Final Year Examination - 2019, she was not permitted by the authorities accordingly.

Learned counsel for the respondent University also informed this Court that now the University has issued time-table for filling the examination form by Notification dated 6th December, 2019 and for the students of M.A. Final Year (Geography), examination form are required to be filled from 14th December, 2019 to 19th December, 2019.

Learned counsel for the respondent University submitted that the petitioner has not applied in pursuance of the Notification issued by the University and as such, no fault can be found in the authorities of the University for not permitting the petitioner to appear in the practical examination.

I have considered the rival submissions made by learned counsel for the parties and perused the record of the case.

This Court finds that the petitioner has already attended the practical training classes for appearing in the practical examination of M.A. (Geography) Final Year and she could not apply earlier on account of the note appended to the Notification dated 11th July, 2019.

This Court further finds that if the petitioner has already been declared 'pass' in all theory papers of M.A. (Geography) and if she is not permitted to appear in the practical examination, then her entire academic career will be of no use in respect of Post Graduation qualification, which she intends to acquire.

This Court further finds that the University has issued fresh time-table of permitting the submission of online examination form in M.A. (Geography) Final Year and as such, this Court feels that the petitioner should be given chance to appear in M.A. (Geography) Final Year Examination, which the University intends to conduct.

Accordingly, the present writ petition is disposed of with the direction to the respondent University to permit the petitioner to fill the examination form of practical examination of M.A. (Geography) Final Year - 2019 manually/off-line by depositing necessary fee and if she is otherwise eligible to appear in the examination, the respondent University may permit her to participate in the ensuing examination.