
(2013) 09 MP CK 0159

In the Madhya Pradesh High Court

Case No : Writ Petition No. 5710 of 2013

Poorvi Mahila Avam Balvikas Kalyan Samiti Aantri Dist.
Gwalior

APPELLANT

Vs

The State of Madhya Pradesh

RESPONDENT

Date of Decision : 23-09-2013

Acts Referred:

Constitution of India, 1950 — Article 226

Madhya Pradesh Vishwavidyalaya Adhiniyam, 1973 — Section 34, 34(4)(V)

Citation : (2013) 09 MP CK 0159

Hon'ble Judges : Rohit Arya, J; Rajendra Menon, J

Bench : Division Bench

Advocate : Jitendra Sharma, for the Appellant; M.P.S. Raghuwanshi, Learned Additional Advocate General for Respondents Nos. 2 to 7, for the Respondent

Final Decision : Dismissed

Judgement

1. Petitioner Society has filed this Writ Petition being aggrieved by the admission procedure being followed by the State Government. It is said that due to the State Level online Counseling undertaken for admission to various Institute, petitioner Institute has suffered in as much as all the seats in the institute are lying vacant and "Zero" percent admission is reported in various courses being undertaken by the Institute. It is said that as the College Level Counseling is not being permitted, this situation has resulted. Accordingly, challenging the system of State wise online Counseling introduced for the academic session 2013-2014, this Writ Petition has been filed. Shri Jitendra Sharma, learned counsel for the petitioner took us through the document and material available on record and tried to emphasis that online Counseling has resulted in serious adverse consequence to the Institute in question, therefore, it be declared as an illegal and a arbitrary decision of the State Government. Further prayer is that College Level Counseling be permitted for filling up the vacant seats.

2. Shri M.P.S. Raghuwanshi, learned Additional Advocate General, points out that

the rules and guidelines for admission to various graduation and post graduation courses in Government and non-Government Institutes for the academic Session 2013-2014 has been formulated on the basis of the recommendations made by the Coordination Committee constituted u/s 34(4)(V) of the Vishwavidyalaya Adhiniyam, 1973. It is stated by him that under the said statutory provision, a Coordination Committee on Central Board of Studies and Statues, Ordinance and Regulations have been established and the Rules of admission have been formulated by this statutory committee after due approval of the Chancellor of the University. It is further stated that consultations and opinions of the University were also obtained before formulating the rules and guidelines for admission. According to Shri Raghuwashi, the admission procedure prescribed by the said Committee, is completely transparent and a simple system of admission which has been formulated keeping in view the interest of the students, with a view to bring about a coordinated admission procedure in the State of Madhya Pradesh. Accordingly, Shri Raghuwanshi submits that candidates were permitted to seek admission through online Counseling by choosing their own seats, subjects and college and if no student choose to seek admission in the petitioner's Institute, the system or the procedure cannot be blamed. It is said that the Policy decision taken by the State Government for regulating admission cannot be interfered with merely because petitioner Institute has not recorded any admission in this session.

3. We have heard the parties and perused the record.

4. From the records it is clear that a system of admission to various Government and non-Government colleges for the academic session 2013-2014 have been formulated and the aforesaid system have been formulated by the Coordination Committee after following a detailed Statutory Provision as it contemplated u/s 34 of the M.P. Vishwavidyalaya Adhiniyam, 1973. The documents available on record particularly, Annexure R-2 indicates that after evaluating various aspects of the matter the Rules for admission Annexure R-3 has been issued by the Higher Education Department. Nothing is brought to our notice on the basis of which the rules for admission formulated can be termed as illegal or being in contravention to any statutory Rules, Regulations or provision having in the force of law. On the contrary, it is seen that the system has been introduced to bring about transparency in the matter of admission and merely because no student chooses to seek admission in the petitioner's Institute, we do not deem it proper to interfere with the Admission Rules or Procedure.

5. On a Policy decision, executive in nature taken by the State Government in the matter of regulating admission to the courses in question the same cannot be termed as illegal or arbitrary until and unless it is shown to be in violation to any Statutory Provision. Merely because the admission procedure is not to the liking of the petitioner or no student took admission in the petitioner's Institute that by itself is not sufficient enough to interfere into the matter. The Government is well within its power to formulate Rules and Procedure for admission and when such

Rules and Procedure are formulated in the interest of the students, interference by Writ Court exercising jurisdiction under Article 226 of the Constitution of India is permissible only if Constitutional Provisions or Statutory requirement are shown to be violated. In the present case, no such violation or requirement of law is required as shown to be violated. That being so, we are not inclined to interfere into the matter. That apart, by the system followed discretion was given to the students to seek admission in an Institute of their own choice and if no student from the entire State chooses to seek admission in the petitioner Institute, the system cannot be said to be faulty. Accordingly, in the totality of the facts and circumstances of the case, we find no ground to interfere into the matter. Petition is therefore dismissed.