
(2003) 02 KL CK 0022
In the High Court Of Kerala
Case No : O.P. No. 38816 of 2002

Pradeep Kumar

APPELLANT

Vs

University of Kerala

RESPONDENT

Date of Decision : 07-02-2003

Acts Referred:

Citation : (2003) 2 KLT 745

Hon'ble Judges : C.N. Ramachandran Nair, J

Bench : Single Bench

Advocate : C.E. Unnikrishnan, for the Appellant; M.K. Chandramohan Das, for the Respondent

Judgement

C.N. Ramachandran Nair, J.—The petitioners have passed B.A. degree in the Restructured Communicative English. The petitioners made application for admission to B.Ed. course conducted by the Kerala University at the centre at Quilon. When the rank list was published the petitioners' name did not appear and on enquiry the petitioners were given to understand that the petitioners applications cannot be considered for the academic year for which now admissions are going on and the petitioners can apply for next year. This has been challenged by the petitioners by filing the O.P. and the University maintains the same stand in the statement filed in Court. I heard counsel for the petitioners and standing counsel for the Kerala University.

2. There is no dispute that the B.A. degree acquired by the petitioners qualifies them for admission to the B.Ed. course as the course is approved vide decision taken by the Academic Council of the University of Kerala published vide Ext. P9. It is evident from Ext. P9 that the Meeting of the Committee for Recognition of Triple Main Degrees for the purpose of B.Ed. admission was held on 15.5.2002 and the decision to approve the Restructured Degree course for admission to B.Ed. course was recorded in the minutes of the Meeting of the Academic Council of the University held on 22nd and 23rd May, 2002. However, a formal order was issued vide Ext. P9 only on 12.10.2002. The operative portion of the order, based

on which admission to petitioners was not considered is extracted below for easy reference:

These orders regarding eligibility of Triple Main Vocational and Restructured Degree Holders for admission to B.Ed. degree course will come into force with effect from 2003 admissions onwards.

Though the Course is recognised for admission to B.Ed. course, the eligibility will come into force "with effect from 2003 admissions onwards". The contention of the University is that even though admissions are taking place now and the course could be completed for the academic year 2003-04, the course for which admissions are now given ought to have commenced for the academic year 2002-03. This appears to be the only disability for considering the petitioners for admission to the course for which admissions are now taking place. In the first place, I do not know how the Academic Council can put a disability on the students from seeking admission to the B.Ed. course for any year, once the course is recognised for admission for B.Ed. Course. This is in the nature of punishment. In any case, by virtue of the delay in commencing the B.Ed. course for the year 2002-03 by one year, the petitioners have become eligible to apply for the course even according to the Academic Council decision above referred. The contention of the University in the reply statement is that around 100 other applicants who have secured B.A. restructured degree were not considered based on Ext. P9 casting a disability for their being considered for the B.Ed. course for the year 2002-03 though in fact the course is for 2003-04 by virtue of the delay in admissions taking place now. Going by Ext. P9 itself I find that the petitioners had become eligible for applying for B.Ed. course as and when they passed the B.A. restructured degree course by virtue of the decision taken by the Academic Council in their Meeting held on 22nd and 23rd May, 2002. The applications for admission to B.Ed. course were called for after this decision pursuant to which the petitioners have applied for admission. They would have been considered but for the so called disability introduced in Ext. P9. Ext. P9 probably would have been issued on the assumption that the B.Ed. course would have commenced for the year 2002-03 in time and that is why it is stated that those candidates who have passed the restructured course are eligible to apply for admission for the course commencing from 2003 onwards. In other words, had the B.Ed. Course for the year 2002-03 commenced in time, the petitioners would not have been eligible to apply for admission and would not have got admission. It would be unrealistic to treat the B.Ed. course commencing now in 2003 and ending on 2004 as a course for the academic year 2002-03. In effect the B.Ed. course now starting and ending in 2004 has to be treated as one for the academic year 2003-04. If the petitioners are denied admission for the said course for the year 2003-04, though it is stated to be for the last academic year 2002-03, the petitioners will lose one year for no fault of theirs. Therefore I do not find any justification for the University in not considering admission to the petitioners for the course commencing now. There is some substance in the contention of the University that on the basis of the University's stand, Applications of 100 other

similar applicants were not considered and only the petitioners have come to this Court. I do not think, the rejection of their applications is justified. In the circumstances, the University is directed to reframe the rank list after considering the applications of the petitioners and make a fresh rank list and grant admission based on that. The petitioners, if they qualify in the rank list, should be given admission to B.Ed. course commencing now. However, the fact that other aggrieved persons have not approached this Court is no justification for denying benefit to the petitioners. In fact, since the year 2002-03 is over, the University can consider abandoning that year's B.Ed. course and make up the loss by taking two batches for the year 2003-04 instead of delaying admission for the B.Ed. course every year by another year.

O.P. is disposed of as above.