

(1991) 09 RAJ CK 0007

In the Rajasthan High Court

Case No : Civil Writ Petition No. 2392 of 1991

Pramila Gupta

APPELLANT

Vs

Mohan Lal Sukhadiya University and Others

RESPONDENT

Date of Decision : 23-09-1991

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (1991) 2 RLW 554 : (1992) 1 WLC 44 : (1991) 2 WLN 313

Hon'ble Judges : N.C. Sharma, J

Bench : Single Bench

Judgement

N.C. Sharma, J.—This is a writ petition under Article 226 of the Constitution of India, by Pramila Gupta, for a direction to the respondents, to admit her to B.Ed. Course in Shri Bajrang Teachers" Training College, Deeg.

2. The petitioner passed her B.A. Examination in the year 1989, from the University of Rajasthan. She appeared at the PTET, conducted by the Mohanlal Sukhadia University, Udaipur, (for short hereinafter, "the Udaipur University") in the year 1990. She was declared to have passed the said test; and her marks-sheet is (Annexure-1). The petitioner received a call-letter, issued by the Udaipur University, on 22nd Jan., '91, where in, it was mentioned that the petitioner might join the Course in Shri Dadhimati Shikshak Mahavidyalaya, Sriganganagar (for short hereinafter "the Sriganganagar Mahavidyalaya"), and the last date for depositing the fees, was 25th Jan., '91. The petitioner states that she is resident of Deeg, in Bharatpur District, and she was interested in taking admission in Bajrang Teachers Training College, Deeg (for short, "the Deeg College"): and she had contacted its Principal and requested him to give her admission to that college. The Principal had assured the petitioner that if a direction was received from the Udaipur University to that effect, admission would be given to her to Deeg College. The Principal, Deeg College had also written on the back of the call-letter that there were vacancies in the Deeg College; and that they were ready to give admission to the petitioner to that college, if direction in that respect was

sought from the Udaipur University. Acting upon the assurance given by the Principal, Deeg College, the petitioner's brother had contacted the Officer Incharge of the PTET of the Udaipur University, and had presented before him, the call letter. The Officer incharge had kept the call letter with him and had given a letter, addressed to the Principal, Deeg College, where in, it was mentioned that though the petitioner was allotted Sriganganagar Mahavidyalaya, but, since there was no vacancy in that college, the petitioner had been allotted Deeg College. It was mentioned that the original certificates of the petitioner might be checked up and fees be deposited by 31st January, '91. Thereupon, the petitioner had contacted the Principal of the Deeg College, and presented before him, the letter of the Officer Incharge of the Udaipur University. But, the Principal, Deeg College did not accept it, and nor did he permit the petitioner to deposit the fees. The petitioner was refused admission to Deeg College. The petitioner has alleged that there was no vacancy in Sriganganagar Mahavidyalaya, and that despite the directions of the Udaipur University, the Principal, Deeg College, arbitrarily refused her admission to B.Ed. Course in the Deeg College.

3. A reply to the writ petition had been filed on behalf of both the respondents. On behalf of the Udaipur University, it has been stated that the B.Ed. Course had started more than 6 months back, and final examinations were to be held shortly. For securing a degree in B.Ed./Shiksha Shastri Course, a candidate is required to complete forty lessons in a recognised school, under the supervision of the staff of the college. There was no sufficient time now left for any candidate who might be given admission, to deliver forty lessons, because, one lesson takes one day in delivering it in a school. It is also said that if the petitioner has any grievance against the Principal of the Deeg College, she could have approached the Udaipur University, for taking further action in the matter in time. The petitioner cannot take advantage of her own default. It is also stated that the writ petition is not maintainable, and the courts at Udaipur, alone, have the jurisdiction.

4. So far as the Principal, Deeg College, is concerned, he has stated that he had told the petitioner that only after obtaining directions from the Udaipur University regarding admission of the petitioner to Deeg College, she could be admitted, as the whole command over the college regarding creation of vacancies, filling them up; and giving admissions to trainee candidates vested in the Udaipur University and not in the Principal. The Principal might have written on the back of the call letter of the petitioner in the hope of clear vacancy, but, it did not create any right in favour of the petitioner. The Principal has no right, nor is he bound to give admission to anybody, even if it is written, because, admission can be given only on the directions of the Udaipur University. Whether there are vacancies in existence or not, can only be determined by the University, and admission are given purely on the basis of merit. The petitioner had not contacted the Principal within the time, for depositing the fees. Had the petitioner come in time, there was no occasion for the Principal to refuse to accept the fees.

5. It is clear from the narration of the above facts that the petitioner had passed her PTET Examination in the Year 1990, conducted by the Udaipur University and by the call letter, issued by the University, on 22nd Jan., '91, the petitioner was directed to join the course in Sriganganagar Mahavidyalaya, and the last date for depositing the fees there was 25th Jan. '91. The petitioner is resident of Deeg, in District Bharatpur. Obviously, therefore, she was interested in getting her admission to Deeg College. It is admitted by the Principal, Deeg College, in his reply that he might have written on the back of the call letter of the petitioner for her admission to Deeg College. The Principal has said that he had written it in the hope of there being clear vacancy. The Udaipur University, in its short reply, has not denied, of the Officer-Incharge, PTET, having issued the letter (Annx. 2) to the Principal of Deeg College. In Annexure-2, the Principal mentioned that the petitioner had been allotted Sriganganagar Mahavidyalaya, but, as there was no vacancy in that college, she was not admitted. The Petitioner was, therefore, allowed temporary admission to Deeg College. It is very pertinent to mention that the petitioner has not alleged in her writ petition that after she had received the call letter issued by respondent No. 1, on 22nd Jan. '91, whereby, she was directed to join the Sriganganagar Mahavidyalaya, she had reported herself in the said Mahavidyalaya. It is quite clear that the petitioner did not want to leave her hometown Deeg, to join Sriganganagar Mahavidyalaya, allotted to her. She, therefore, had met the Principal of the Deeg College and requested him to give her admission to that college. The Principal of the Deeg College had written on the back of her call-letter that the petitioner could be admitted to Deeg College. The endorsement made by the Principal on the back of the call letter must be in possession of the Udaipur University, Authorities but, the same has not been produced by them. It was on the basis of the letter or endorsement made by the Principal of the Deeg College, on the back of the call-letter, issued to the petitioner on 22nd Jan., '91. that the Officer-Incharge of the Udaipur University re-allotted Deeg College, for temporary admission, to the petitioner, and also permitted for the depositing of fees by 30th Jan. '91. As a matter of fact, they are primarily, the Principal of the Deeg College, and secondarily the officer-Incharge, PTET, of the Udaipur University, who, for reasons best known to them, oblige students who approach them and disturb the allotments made. Such practice on the part of the Principal Deeg College deserves strong condemnation. On the basis of the letter, written by the Principal, Deeg College, the Officer-Incharge of the Udaipur University made there-allotment of the petitioner, for her temporary admission to Deeg College. The conduct of the Officer Incharge, PTET, of the Udaipur University, deserves more condemnation on account of the fact that on the one hand he issued Annexure 2, dated 28th Jan., '91, to the Principal Deeg College, re-allotting the petitioner temporary admission to B.Ed. Course in Deeg College, and simultaneously, on the same date, he issued another letter dated 28th Jan., '91, to the Principal of Deeg College, slating therein that as a matter of fact, there was no vacancy in the Deeg College, and asked the Principal, to keep this fact in mind. Thus, Chandan Singh Mogra, Officer-In charge, PTET, Udaipur University, was, on the one hand, by Annexure-2, dated

25th Jan., '91, pleasing the petitioner, for reasons best known to him, and on the other, on that very date, vide, letter Annexure-R/1, he was cautioning the Principal of the Deeg College, to keep in mind that there was no vacancy in the Deeg College. By this dubious method, the Principal of the Deeg College and the Officer-In charge of the Udaipur University, by one hand in part favour to candidates, and by the other, took the same away from them.

6. In any event, the career of the petitioner had been spoiled by these two authorities. The petitioner herself is also to be blamed, as, after her allotment to Sriganaganagar Mahavidyalaya, she did not join there. On the one hand, she wanted to acquire the qualification of B.Ed., and, on the other, she was so homesick that she did not want to leave her home-town. It is, however, clear that she had qualified the PTET, held by the Udaipur University. The session started in Jan., '91. Now, we are in the month of September, '91. Much of the academic-session period has already expired. For securing a degree of B.Ed, in Shiksha-Shastri, one is required to complete 40 lessons in a recognised school, under the supervision of the staff of the college. Now, no time is left for the petitioner to deliver 40 lessons within the remaining duration of the present academic session, because, 1 lesson takes 1 day. The petitioner, therefore, cannot be granted admission during the current academic-session.

7. Reference may here be made to the decision in Dr. Vinay Rampal Vs. State of Jammu and Kashmir and Others, . In that case, the petitioner was eligible for admission to the subject of General Medicine for MD Degree, in the year 1981, according to the qualifications and other requirements set out in the advertisement. It was urged that the advertisement was issued ignoring the Government instructions, if any, relevant to the subject. The instructions were not mentioned in the advertisement, and they were not in conformity with the rules. However, the sands of time had run out. The Supreme Court considered as to what relief the Court could grant to person unjustifiably refused admission, and a fresh answer was found. It was observed that the new academic-year was to commence sometime in September. It was directed that the petitioner should be admitted in the subject of General Medicine, for MD Degree, without any further test or selection during the academic-year which was to commence not later than middle of September, 1983.

8. The above answer, should, in my opinion, be also given to the present case. The petitioner had undoubtedly passed her PTET, and she was also allowed to be admitted to Sriganaganagar Mahavidyalaya. Being a female, she was not interested in leaving her home-town, Deeg. She therefore, approached the Principal, Deeg College, who obliged her by writing on the back of her call-letter that she could be admitted to Deeg College. The Officer-In charge, PTET, Udaipur University, also obliged her by re-allotting her Deeg College, for her temporary admission; and, at the same time, separately writing to the Principal, Deeg College, that the latter should keep in mind that there was no vacancy in the Deeg College. Time has run out. The petitioner did not then join Sriganaganagar

Mahavidyalaya, and she was refused admission to Deeg College.

9. In these circumstances, the petitioner in this case, should be allowed the relief that she should be admitted to B.Ed. Course, in the next academic-session, on the expiry of the current session, without her again appearing at PTET. and she should be allotted college in accordance with the guidelines for allotment, governing admissions to B.Ed. Course.

10. I accordingly partly allow this writ petition and direct respondent No. 1 that the petitioner, without her appearing further at the PTET, would be admitted to B.Ed. Course, on the expiry of the current academic-session and before the beginning of the next academic-session; and she be allotted a Teacher's Training College, for her studies in that course, in accordance with the guidelines for allotment of colleges, applicable to B.Ed. Course. As the petitioner is also responsible for not joining Sriganaganagar Mahavidyalaya, allotted to her, the parties are left to bear their own costs.