

(2013) 08 P&H CK 0126
In the Punjab And Haryana At Chandigarh
Case No : CWP No. 10250 of 2013 (O and M)

Pravinder Kumar

APPELLANT

Vs

Lala Lajpat Rai University of Veterinary and Animal Science,
Hisar and Others

RESPONDENT

Date of Decision : 21-08-2013

Acts Referred:

Citation : (2013) 08 P&H CK 0126

Hon'ble Judges : Rakesh Kumar Jain, J

Bench : Single Bench

Advocate : N.S. Shekhawat, for the Appellant; D.S. Rawat, for the Respondent

Final Decision : Dismissed

Judgement

Rakesh Kumar Jain, J.—Petitioner has challenged the order dated 7.5.2013 passed by respondent No. 1 by which his admission to the

University has been cancelled. As per the case set up by the petitioner, he had passed 10+2 examination from the Open School from Board of

Secondary Education, Madhya Bharat, Gwalior and Board of Higher Secondary Education, Delhi. According to him he had passed 10+2 from

two Boards as the person, who has completed his 10+2 from Madhya Pradesh gets the benefit in the Medical Colleges of Madhya Pradesh for

the admission in M.B.B.S. The petitioner took admission in the Bachelor of Veterinary Science and Animal Husbandry in the CSKHPKV,

Palampur, in five years course, for the Session 2010-11. After completing one year course, he applied for migration from the Palampur University

to Lala Lajpat Rai University of Veterinary and Animal Science, Hisar [for short "the LLRUVAS, Hisar"] on 27.5.2011. The Vice-Chancellor

granted him permission which was ratified by the Academic Council in its 4th meeting held on 28.10.2011 because as per the VCI Regulation,

2008, a student studying in a recognized Veterinary College is allowed to migrate to another recognized Veterinary College under another or the

same University within one month of the start of Academic Session of 2nd year of the receiving College/University.

2. The petitioner was served with a show cause notice on 28.2.2013 on the ground that the certificates of 10+2 examination from the Board of

Secondary Education, Madhya Bharat, Gwalior and the Board of Higher Education, Delhi at CSKHPKV, Palampur were found fake. The

petitioner submitted his reply along with documents but according to him without considering the documentary evidence, the impugned order dated

7.5.2013 has been passed.

3. Learned counsel for the petitioner has submitted that respondents/University is only banking upon the report received on the envelope from the

Postal Department to the extent that ""there is no such office as the same has been closed by the Police"" but it is submitted that wrong address has

been mentioned on the letter sent by respondent No. 2 for verification and even it has not been verified by respondent No. 2 as to why the office

was closed by the police. It is submitted that the petitioner sent a letter to the Board of Secondary Education, Madhya Bharat, Gwalior on the

given address for the verification of the certificates issued by respondent No. 3 through registered post and also received reply dated 15.3.2013

certifying the documents issued by the Board. It is also submitted that the result of the petitioner of 10+2 examination from the Secondary

Education, Madhya Bharat, Gwalior is available on the site of the Board from which it is clear that the Board is not fake and has been approved by

the Government of India and is also not in the list of de-recognized Board/University for the session 2012-13 and the same was derecognized for

the first time on 2013-14. He has also relied upon a decision of the Allahabad High Court, in this regard.

4. On the other hand, the case of learned counsel for respondents No. 1 and 2 is that the admission of the petitioner has been cancelled after due

verification of 10+2 certificates from the respective education boards particularly from the Board of Higher Secondary Education, Delhi from

which the petitioner has claimed to have done his 10+2 examination and the certificates produced by the petitioner, were found to be fake. It is alleged that the petitioner had finally sought admission in 2010-11 in Ch. Sarwan Kumar Himachal Pradesh Krishi Vishvavidyalaya, Palampur [for short "CSKHPKV Palampur"], on the basis of 10+2 examination stated to have been passed from the Board of Higher Secondary Education, Delhi. The petitioner was allowed migration to the respondent/University on medical grounds in Session 2011-12. After migration, he was asked to submit original certificates along with photocopies for verification. The petitioner submitted the admission form in the respondent/University and mentioned that he has passed 10+2 examination from the Board of Secondary Education, Madhya Bharat, Gwalior (MP). The respondents have produced on record admission form as Annexure R1/1 in which the petitioner has taken admission in CSKHPKV, Palampur on the basis of 10+2 certificate issued by Board of Higher Secondary Education, Delhi which has been later on busted by North District Delhi Police and FIR was registered against the concerned persons, who were running the fake Board. It is thus, averred that the petitioner knowingly mentioned in the admission form that he passed 10+2 examination from Secondary Education, Madhya Bharat, Gwalior. On verification of 10+2 certificate submitted by the petitioner, the Madhyamic Shiksha Mandal, Madhya Pradesh, Bhopal, University has informed that the Board of Secondary Education, Madhya Bharat, Gwalior has not been given recognition/equivalence. The Board of Secondary Education, Madhya Bharat, Gwalior was also requested to verify the certificate submitted by the petitioner. However, the envelope containing letter sent by the respondents/University was received back from the Postal authorities with an endorsement that ""This office has been closed by the police and at this time the office is closed, none is present so the letter is sent back to the sender"". It is also averred that after getting the reply of the petitioner to the show cause notice, the material was placed before Specially Constituted Committee comprising of Dr. Rakesh Kumar, Director, Teaching Veterinary Clinical Complex, Dr. Rishi Tayal, Professor & Head, Department of Veterinary Surgery & Radiology and Dr. R.K. Jain, Professor & head, Department of Veterinary Anatomy. The said committee considered the documents produced by the petitioner and was of the unanimous view that both the

certificates of 10+2 from Delhi and Gwalior Boards submitted by the petitioner were fake and the case be handed over to Police for investigation

after lodging an FIR.

5. Learned counsel for the petitioner has submitted that the information collected by the University is not from the appropriate address as the

correct address of Board of Secondary Education, Madhya Bharat, Gwalior is Shanti Niketan, Satyadev Nagar, Gandhi Road, Gwalior (MP). It

is also submitted that the Government of Karnataka has treated the SSLC examination (10th standard) conducted by the Board of Secondary

Education, Madhya Bharat, Gwalior equal to the Karnataka SSLC examination conducted by Karnataka State Secondary Education Board.

6. I have heard learned counsel for the parties and perused the record.

7. There is no doubt that the petitioner had two different certificates of 10+2 examination from two different Boards, one from the Board of Higher

Secondary Education, Delhi and other from the Board of Secondary Education, Madhya Bharat, Gwalior. The petitioner took admission in

CSKHPKV, Palampur on the basis of certificate of 10+2 examination conducted by the Board of Higher Secondary Education, Delhi but while

applying for the migration, he has mentioned the certificate of 10+2 examination of the Board of Secondary Education, Madhya Bharat, Gwalior.

Though, he got the admission in CSKHPKV, Palampur on the basis of 10+2 certificate of Board of Higher Secondary Education, Delhi. As a

matter of fact, the Delhi Police had busted the fake education board from which the petitioner had obtained the 10+2 certificate and in order to

mislead the respondents/University, the certificate of the Board of Secondary Education, Madhya Bharat, Gwalior has been attached about which

it has been mentioned by the Public Information Officer, Secondary Education Board, Madhya Bharat, Gwalior that the Board of Secondary

Education, Madhya Bharat, Gwalior has not been granted equivalence recognition under Sr. No. 216 of the Booklet by the Secondary Education

Board, Madhya Pradesh, Bhopal. The verification sought to be done by the petitioner could not get the desired result because the letter sent was

returned with endorsement that due to Police action Board has been closed. Moreover, the judgment of the Allahabad High Court is not applicable

to the facts and circumstances of the present case. In view of the above

discussion, I do not find any merit in the writ petition and the same is hereby dismissed.