

(2011) 02 AHC CK 0265
In the Allahabad High Court
Case No : Misc. Single No. 749 of 2011

Preeti Srivastava and Others

APPELLANT

Vs

Director, State Council for Education Research and Training

RESPONDENT

Date of Decision : 11-02-2011

Acts Referred:

Citation : (2011) 02 AHC CK 0265

Hon'ble Judges : Rajiv Sharma, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Rajiv Sharma, J.—Heard Counsel for the Petitioner and the Standing Counsel.

2. It has been submitted that Petitioners are the students of the BTC Course of Awadh Center of Education for Women, District Sant Kabir Nagar, had taken admission in the aforesaid institution, which is a minority institution and is entitled to admit the students on its own. It has been submitted that the Respondent college after admitting the Petitioners, had sent a detailed list of the Petitioners and other similarly circumstanced students on 8.9.2010 to the State Government and Secretary, Examination Regulatory Authority, Allahabad informing that admissions had been made strictly adhering to merit. It has also been clarified that faculty of BTC course of the Respondent college has also been accorded approval by the opposite party No. 10.1.2011. After the approval, the Respondent college was under an obligation to submit the examination forms alongwith the detailed list of 50 candidates and to deposit examination fee of Rs. 250/-per students, which was deposited by the Institution on 20.1.2011. Thereafter vide letter dated 24.1.2011, the Respondent college informed the opposite party No. 1 and 3 that in compliance of the order dated 10.1.2011 passed by the opposite party No. 3, the college had submitted the application forms for examination of First Semester BTC course to the opposite party No. 2 alongwith the requisite fee.

3. Counsel for the Petitioners has vehemently argued that the Respondent college is a recognized minority institution and is not governed by the admission procedure of the State Government. The institution can devise its own method of making admissions.

4. The grievance of the Petitioners in the instant writ petition is that on account of non-acceptance of the applications forms for examination, the Petitioners and other similarly circumstanced students have not been issued admit cards causing serious prejudice to the Petitioners as without admit card, they would not be able to appear in the examination, which is going to commence from 14th February, 2011 and it would adversely affect their educational career.

5. It may be noted that in Writ Petition No. 3760 of 2010 which was preferred by the Institution i.e. Awadh Centre of Education For Women, an statement was made by the Standing Counsel that the state of U.P. vide order dated 15.7.2010, treated the Petitioner's institution as a minority institution and the Director, SCERT and Director, Basic Education have been directed to take necessary steps in this regard. Thus, it is not in dispute that the institution where the Petitioners are pursuing BTC course is a Minority Institution. In the judgment and order dated 5.8.2010, this Court while dismissing the writ petition also observed that 24 students, who have been recommended for pursuing BTC Course in the Petitioner's institution, may not be imposed upon by the Selection Committee and it will be open for the Petitioner's institution to admit them or not.

6. Under these circumstances, prima-facie a case for interim relief is made out.

7. Opposite parties are directed to file counter affidavit within three weeks" to which rejoinder affidavit may be filed in a week thereafter. List thereafter. In the meantime Opposite parties Nos. 1 to 3 are directed to permit the Petitioners and similarly circumstanced students to appear in the forthcoming BTC examination.

8. Copy of this order shall be given to the parties Counsel today itself on payment of usual charges.