

(2014) 10 RAJ CK 0062
In the Rajasthan High Court
Case No : Civil Writ Petition No. 2001/14

Rama Kishan and Others

APPELLANT

Vs

Jai Narain Vyas University and Others

RESPONDENT

Date of Decision : 29-10-2014

Acts Referred:

Citation : (2014) 10 RAJ CK 0062

Hon'ble Judges : Sangeet Lodha, J.

Bench : Single Bench

Advocate : Nikhil Dungawat, for the Appellant; Dipesh Beniwal, for the Respondent

Final Decision : Dismissed

Judgement

Sangeet Lodha, J. By way of this writ petition, the petitioners who have already appeared in B.Ed. Main Examination, 2013, are seeking directions to the respondents to conduct their practical examinations.

2. The relevant facts are that the petitioners qualified Pre Teachers Entrance Test, 2012 and were admitted to B.Ed. course in Chopasni Teachers Training College, Jodhpur, which is affiliated to Jai Narayan Vyas University. It is stated that pursuant to the admission granted, the petitioners started their regular studies of B.Ed. course in the respondent-College. On 12.12.12, the petitioners filled the online examination form for B.Ed. Examination, 2013 and deposited the requisite fees on 14.12.12. The petitioners downloaded provisional admission cards online and appeared in the examinations in all the subjects. The result of the petitioners was declared on 4.5.14 wherein, they were declared failed. It is averred that the petitioners cleared all the papers with good scores but no marks for practical and computer literature were awarded to them for the reason unknown. At the same time, it is averred that the petitioners approached the authorities and requested them to take their practical examination as well as computer literature examination inasmuch as, they were not previously allowed to appear in practical examination, but to no avail.

3. Vide order dated 10.3.14 passed by this court, the notices were directed to be issued by this court to the respondents. On 2.9.14, Dr. Ajeet Saxena, Principal of the respondent-College present-in-person submitted that a reply to the writ petition has already been filed, however, as per the office report, no reply was filed on behalf of the respondent-College as alleged. The matter was taken up for consideration by the court on 4.9.14 and after hearing both the parties, an interim order was passed in favour of the petitioners in the following terms:

"In the meanwhile, the respondents are directed to conduct the B.Ed. Practical Examination of the petitioners within a period of two weeks and produce the result before this Court on the next date.

It is made clear that the appearance of the petitioners in the B.Ed. Practical Examination shall be subject to the decision of this writ petition and shall not create any right or equity in their favour."

4. A reply to the writ petition has been filed on behalf of the respondent-College taking the stand that as per the notification dated 21.5.12 issued by the respondent-University, a student pursuing the B.Ed. course is required to fulfill 75% attendance in each subject and there must be 75% attendance of the student before he/she could be permitted to appear in the examinations. It is submitted that the petitioners were most irregular students and did not attend the classes regularly. According to the respondent-College, as per the classes attended by the petitioner No. 1, his percentage of attendance comes to 34% whereas, the attendance of petitioner No. 2 comes to 6.5%. As per the details of the petitioners' attendance set out in the reply, the petitioner No. 1 attended 68 classes and petitioner No. 2 attended only 13 classes, out of 200 classes. Thus, according to the respondent-College, the petitioner was debarred from appearing in the examinations on account of their shortage of attendance and not fulfilling the mandatory condition of having 75% attendance in each subject. That apart, it is submitted that the petitioners also remained absent in Unit Tests I, II and III. It is contended on behalf of the respondent that the factum of shortage of attendance and the mandatory condition regarding 75% attendance in each subject has been concealed by the petitioners from this court.

5. A rejoinder to the reply has been filed by the petitioners taking the stand that the petitioners attended the classes regularly and they were allowed to appear in the written examination, however, were not permitted to appear in the practical examination. It is submitted that till filing of the petition on 14.3.14, no notice was issued to the petitioners regarding shortage of attendance however after filing of the writ petition, vide communication dated 9.4.14, the petitioners were informed about the shortage of attendance and non participation in the practicals and research work. It is averred that the respondents have not followed the notification dated 21.5.12 issued by the respondent-University inasmuch as, as per clause 6.2 thereof, at no point of time, the shortage of attendance was notified to the petitioners which was required to be notified three times in a year. It is submitted that vide communication dated 9.4.14, the respondents have

refused to forward the forms of petitioner as ex students for B.Ed. Examination on the ground that they have not attended the classes regularly.

6. Learned counsel for the petitioners submitted that if as per the norms laid down by the respondent-University, as per the notification dated 21.5.12, a candidate is required to fulfill 75% attendance in each subject and there must be 75% attendance of the students before he/she could be permitted to appear in the examination then, as per clause 6.2 of the notification issued by the respondent-University, the respondent-College was under an obligation to notify the shortage of attendance to the petitioners thrice in a year i.e. within the fortnight after Autumn break, within a fortnight after the Winter break and in the last week of February. Learned counsel submitted that admittedly, the shortage of attendance was never communicated to the petitioners in writing during the academic session and therefore, the respondents cannot be permitted to debar the petitioners from appearing in the examination. Learned counsel submitted that the petitioners having permitted to appear in the B.Ed. Main Examination, 2013, at this stage, the respondents cannot be permitted to take the stand that the petitioners were not entitled to appear in the examination on account of shortage of attendance. Learned counsel submitted that the respondents have even denied the petitioners to pursue the course as ex-students, which is ex facie arbitrary.

7. On the other hand, the counsel appearing for the respondent-University submitted that the B.Ed. course is a course of regular study and training and therefore, the student who has not fulfilled the attendance criteria, cannot be permitted to appear in the examination. Learned counsel submitted that by downloading the admission card online, the petitioners might have appeared in the theory examinations but the fact remains that they were not permitted to appear in the practical examination and they have been declared failed. Learned counsel submitted that the action of the respondents in debarring the petitioners from appearance in the examination is absolutely in conformity with the norms laid down governing the studies of the B.Ed. course and therefore, the petitioners are not entitled for any relief whatsoever.

8. The counsel appearing for the respondent-College reiterating the stand taken in the reply to the writ petition, submitted that the petitioners were most irregular students inasmuch as, the petitioner No. 1 has attended only 68 classes and the petitioner No. 2 has attended only 13 classes, out of 200 classes and the percentage thereof comes to 34% and 6.5% respectively whereas, as against minimum attendance required is 75% in each subject. Learned counsel submitted that keeping in view shortage of attendance, the question of permitting the petitioners to appear in the practical examinations and declaring their result after addition of the marks of practical examination does not arise. Drawing the attention of this court to the attendance register produced for perusal of the court, learned counsel submitted that the stand sought to be taken by the petitioners that they were pursuing the course of studies regularly, is false

to their knowledge.

9. I have considered the rival submissions and perused the material on record.

10. Indisputably, as per the notification dated 21.5.12 issued by the respondent-University pursuant to decision of this court, all the students pursuing the regular courses of studies are required to fulfill 75% attendance in each subject and there must be 75% attendance of the student before he/she could be permitted to appear in the examination. It is true that as per clause 6.2 of the notification issued by the respondent-University, the shortage of attendance is required to be notified to the students concerned three times in the year as specified but then, on account of non communication of the shortage of attendance, the students like the petitioners No. 1 & 2 whose percentage of attendance is only 34% and 6.5% respectively, cannot be permitted to take the examination. In the considered opinion of this court, the petitioners who have attended only a few classes must be otherwise aware about the shortage of attendance. It is pertinent to note that the petitioners have not even attended the Unit Test I, II and III whereas, a student is required to appear at least in two unit tests out of three. Thus, the indiscipline and the negligence on the part of the petitioners in pursuing the regular course of studies, is apparent on the face of record.

11. There is yet another aspect of the matter. The Bachelor of Education Programme generally known as B.Ed, is a professional course that prepares the teachers for Upper Primary or Middle Level (Classes VI to VIII) Secondary (IX and X) and Senior Secondary (Classes XI & XII) levels. It is a regular course of studies and training which include teaching practice/skill development. The academic curriculum of the course is governed by the norms laid down by National Council for Teachers Education inasmuch as, the person acquiring the qualification of B.Ed. acquires the eligibility for recruitment to the post of Teacher and therefore, the question of this court extending any relaxation to the students like the petitioners, who have not pursued the course of studies regularly, does not arise.

12. In the result, the petition fails, it is hereby dismissed. The interim order dated 4.9.14 passed by this court is vacated. The practical examinations conducted for the petitioners by the respondents pursuant to the interim order passed by this court shall stand cancelled. No order as to costs.