

(1996) 10 SC CK 0120

In the Supreme Court Of India

Case No : Civil Appeal No's. 13701-05 of 1996, (arising out of S.L.P. (C) No's. 24927-24931 of 1995)

Regional Engineering College, Hamirpur

APPELLANT

Vs

Gurjeet Singh and others

RESPONDENT

Date of Decision : 31-10-1996

Acts Referred:

All India Council for Technical Education Act, 1987 — Section 23(1)

Citation : (1996) 8 AD 177 : AIR 1997 SC 2168 : (1997) AIRSCW 2023 : (1996) 9 JT 725 : (1996) 7 SCALE 949 : (1996) 11 SCC 312 : (1996) 8 Supreme 166 : (1997) 1 UJ 75

Hon'ble Judges : A. M. Ahmadii, C.J.;Sujata V. Manohar, J

Bench : Division Bench

Final Decision : Allowed

Judgement

Sujata V. Manohar, J.—Leave granted.

2. The appellant, Regional Engineering College, Hamirpur in Himachal Pradesh has filed these appeals against the judgment and order of the High Court of Himachal Pradesh directing the appellant to implement the guidelines issued by the All-India Council for Technical Education and to make available seats to respondents 1 to 5 who are diploma holders for the academic session 1995-96 and to admit them in the second year of the four year degree course of the appellant-college. The appellant-college is a regional engineering college affiliated to the Himachal Pradesh University, Shimla. It conducts a four year degree course in engineering. Students who have secured the requisite marks in 10+2 examination are admitted to the first year of the degree course. Respondents 1 to 5 have completed a diploma course of three years in engineering.

3. The All-India Council for Technical Education by a Gazette Notification dated July 11, 1992 published in the Gazette of the Government of India, issued guidelines for admission to an engineering degree programme under the powers

conferred on it by Section 23(1) of the All-India Council for Technical Education Act, 1987. The guidelines, inter alia, provide for lateral entry in the engineering degree programme. Clause 5 of the guidelines states that although engineering diploma programmes are conceived of as terminal in nature, some flexibility has to be built in to enable the meritorious amongst the diploma holders to obtain engineering degrees. The clause provides that a student who has acquired a diploma in engineering through a minimum of three years of institutional study after tenth plus can be considered to be academically equivalent to a student who has passed the first year of a four year engineering degree programme for which the qualifying examination is at the twelfth plus level. The guidelines provide that lateral entry for diploma holders will be allowed at the second year, third semester level. It is, however, pointed out that at present students obtain a diploma through different programmes in different States. Such programmes have different structures and forms. In order to maintain uniformity, a common entrance examination at the State level seems essential. Further, it is necessary to select only meritorious students who have passed the diploma with a good academic record. Therefore, in order to be eligible to seek a lateral entry the candidate must have passed the diploma in engineering in the relevant branch with a minimum of 60% in the aggregate. Only candidates fulfilling this condition would be eligible for appearing in the entrance test meant for selection of diploma holding candidates for lateral entry to degree programmes. The guidelines further provide that the diploma holders admitted to degree programmes through lateral entry will have to be provided with opportunities for making up their deficiencies through remedial courses offered for this purpose and such courses must be completed by these students within the stipulated time. The guidelines, therefore, require a comprehensive scheme for admitting diploma holders to the degree programme in the second year.

4. This scheme for lateral entry has not yet been adopted in the State of Himachal Pradesh or by the appellant-college. The appellant has pointed out that a meeting of the heads of the teaching departments who are the members of the board of studies was called on 13th of September, 1995 at the college to consider the lateral entry scheme and it was found that there are at least nine courses which the diploma holders do not study during their three year diploma course which will have to be provided to the diploma holders. These courses are applied in nature and form a pre-requisite for study at the advance level of a professional four year degree course. These courses are taken in the first year of the degree course. The diploma holders will, therefore, have to do these remedial courses for which the infrastructure has to be created and additional faculty is required to be recruited. Looking to the small number of seats available in a State like Himachal Pradesh where the intake of students is very small this kind of a programme becomes difficult to implement.

5. The High Court has ignored the guidelines as framed by the All-India Council for Technical Education for such lateral entry. The lateral entry for diploma holders to the second year of the degree course is permissible provided remedial

courses are available to these diploma holders and further provided that the diploma holders are selected in the manner prescribed in the guidelines so that only the most meritorious amongst the diploma holders get a chance of entering a degree course. The High Court, however, directed the appellant to admit respondents 1 to 5 who are diploma holders to the second year of the degree course ignoring the other necessary concomitants prescribed by the All-India Council for Technical Education for this purpose. Such a direction, therefore, is contrary even to the guidelines prescribed by the All-India Council for Technical Education.

6. The appellant has also pointed out that the guidelines do not make it mandatory for a regional college of engineering to take diploma holders in the second year. It is merely a scheme which enables an engineering college to take a few of such students if a proper scheme is framed for that purpose in the light of the guidelines issued. No such scheme has been framed so far by the appellant or by the Himachal Pradesh University. The High Court should not, therefore have directed the appellant to admit the respondent diploma holders in the second year of its degree course without ensuring the proper application of guidelines, without a common entrance test and in the absence of the requisite facilities in the appellant-college.

7. The respondents 1 to 5, however, have relied upon the admission notice issued by the appellant-college for the academic session 1995-96. Under the admission notice it is stated, inter alia that one candidate in each branch will also be admitted on the merit basis from amongst those who have passed their three year diploma examination in respective branches from the government polytechnics located in Himachal Pradesh. This admission notice is for admission of one candidate in each branch from amongst diploma holders to the first year of the degree course. This opportunity which is given to the diploma holders has nothing to do with the guidelines prescribed by the All-India Council for Technical Education, though the purpose may be the same, namely, to provide more flexibility in obtaining an engineering degree qualification. By admitting a very limited number of diploma holders on the basis of merit to the first year of the degree course, the appellant-college is not required to provide special remedial courses for these candidates. There is no provision for a common entrance examination or selection only of the top candidates from amongst diploma holders who are given a special concession of being admitted to the second year of the degree course and who must, therefore, necessarily have the capacity to make up for the courses which they have not attended, through remedial courses. The admission notice, therefore, cannot be correlated to the guidelines for lateral entry of diploma holders to the second year of the degree course. We fail to see how on the basis of this advertisement any direction can be given that the diploma holders so admitted should be admitted to the second year of the degree course, If the guidelines are to be implemented they must be implemented as a whole after providing for a proper scheme for the implementation of the guidelines and after ensuring that candidates have been

properly selected and after ascertaining whether the appellant-college or the Himachal Pradesh University is in a position to offer remedial courses on a regular basis from year to year.

8. In the premises, the appeals are allowed and the judgment and order of the High Court is set aside. In the circumstances, there will be no orders as to costs.