
(2000) 09 P&H CK 0179
In the Punjab And Haryana At Chandigarh
Case No : C.W.P. No. 4837 of 1999

Shaminder Kaur

APPELLANT

Vs

State of Punjab and others

RESPONDENT

Date of Decision : 15-09-2000

Acts Referred:

Citation : (2000) 09 P&H CK 0179

Hon'ble Judges : V.K. Bali, J

Bench : Single Bench

Advocate : Mr. K.K. Kahlon, for the Appellant; Mrs. S.K. Bhatia, DAG Punjab and Mr. Gobind Goel, for the Respondent

Judgement

V.K. Bali, J.—By this common order, I propose to decide four connected Civil Writ Petitions bearing No. 4837 of 1999, 5313 of 1999, 6229 of 1999 and 6138 of 1999 as common questions of law and facts arise in all these petitions. The learned counsel representing the parties also suggest likewise. The facts have, however, been extracted from C. W.P. No. 4837 of 1999.

2. Petitioner herein seeks a writ in the nature of mandamus directing the respondents to issue roll No. of B.A. Part-I Compulsory subject Punjabi and admit cards of compulsory subject Punjabi B.A. Part-1, B.A. Part-II and B.A. Part-1 it and also allow her to take the said examinations in the academic year 1998-99.

3. Before I might further proceed in the matter, it would be relevant to mention that vide interim orders dated April 9, 1999, the Division Bench while issuing notice of motion, directed the respondent to permit the petitioner to sit in the examination for Punjabi compulsory subject of B.A. Part I, B.A. Part II and B.A. Part III scheduled to be held on 22.4.1999, 21.4.1-999 and 19.4.1999 respectively, provisionally subject to further orders of the Court.

4. For the relief aforesaid it has, inter alia, been pleaded that petitioner joined three years diploma in Modern Office Management under the Punjab State Board of Technical Education and Industrial Training in the Academic year 1995-96 and

successfully completed the said diploma in the year 1998. Copies of marks sheets of the petitioner of first, second and final years of diploma in Modern Office Management have been annexed as Annexures P-1 to P-3 with the petition. Petitioner and others earlier approached this Court for issuance of a writ in the nature of mandamus by way of C.W.P. No. 8219 of 1998 directing the respondents to equate three years diploma in Modern Office Management with graduation and then permitting the petitioner to take the entrance test of courses including Post-graduate course on completion of said diploma course. The writ petition was disposed of on 4.6.1998 by a Division Bench of this Court by passing the following order:

"Present: Mr. J.S. Bains, Advocate.

The grievance made by the petitioner in this case is that the matter in regard to equivalence of Diploma in Modern Office Management (three years) with B.A., B.Com. is pending consideration-with Punjabi University, Patiala, Guru Nanak Dev University, Amritsar and Punjab University, Chandigarh but no decision in this regard has yet been taken, hence, this writ petition for a direction to the respondents to equate three years Diploma in Modern Office Management with B.A., B.Com. and for allowing the petitioners to sit in the pre-entrance examination for Postgraduate course on completion of Diploma Course in Modern Office Management.

It is not within the competence of this Court to equate Diploma in Modern Office Management (three years) course with B.A., B.Com. Therefore, we direct the Registrar, Punjabi University, Patiala and Guru Nanak Dev University, Amritsar and Punjab University, Chandigarh to take a final decision in regard to equating three years Diploma Course in Modern Office Management with B.A., B.Com. expeditiously.

With the aforesaid direction the writ petition stands disposed of."

5. Pursuant to orders aforesaid, Dean Academic Affairs, Punjabi University, Patiala, respondent No. 4 herein, after considering all pros and cons ultimately granted equivalency of Diploma in Modern Office Management with B.A. subject to the clearing to Punjabi Compulsory subject of B.A. Part I, B.A. Part II and B.A. Part III. This decision was revealed to petitioner's father by respondent No. 4 on 16.12.1998. Previous to the decision of equivalence petitioner had filled up her admission form for B.A. Part I with subjects (English, Punjabi Education, Public Admn. Business and Office Practice). Roll No. of B.A. Part I for session April 1999 for all the subjects was issued to the petitioner. The Roll No. was, however, issued to the petitioner after decision dated 16.12.1998 regarding equivalence. She then made a representation on 18.1.1999 to respondent No. 3 that she be allowed to take examination of Punjabi Compulsory subject of B.A. Part I, B.A. Part II and B.A. Part III. She was issued roll number of examination of B.A. Part II of April 1999. She was also issued roll No. for examination of B.A. Part III of April 1999. It is further the case of the petitioner that examination of compulsory subject of

Punjabi for B.A. Part I was going to be held on 22.4.1999, B.A. Part II on 21.4.1999 and B.A. Part III on 19.4.1999. As mentioned above the decision to grant equivalence to three years Diploma in Modern Office Management with B.A. was taken by respondent No. 4 subject to passing of Punjabi compulsory of B.A. Part I, B.A. Part II and B.A. Part 111. The decision dated 16.2.1998 has been reproduced in paragraph 9 of the writ petition which reads as under:

"Punjabi University, Patiala For granting equivalence to Diploma in Modern Office Management started by Punjab State Board of Technical Education was Industrial Training with B.A., B.Com., a meeting was held on 16.12.1998 in the office of Dean Academic Affairs.

Present member:

1. Dean Academic Affairs (Chairman)
2. Dean Faculty of Business Management and Commerce.
3. Dean College Development Council.

A discussion took place with regard for granting equivalence to Diploma in Modern Office Management started by Punjab State Board of Technical Education and Industrial Training with B.A. and after duly considering the syllabus this opinion has been of and by the respective member, this Diploma for the purpose of seeking jobs and for seeking admission into the higher classes of M.A. shall be equated with first degree (graduation) on passing of Punjabi compulsory papers (1st, 2nd and 3rd Part) of B.A. Punjabi University, Patiala. Sd/- Dean Academic Affairs."

6. Admission form including admission fee and balance fee has already been accepted by the Registrar, Punjabi University, Patiala and the roll No. of B.A. Part II and B.A. Part 111 Punjabi compulsory subject has since already been issued and the examination of compulsory subject of Punjabi of B.A. Part 1, B.A. Part II and B.A. Part III are scheduled to be held on 22.4.1999, 21.4.1999 and 19.4.1999 respectively. But despite all this when the petitioner did not get roll No. of B.A. Part I of compulsory subject of Punjabi and examination admit cards of B.A. Part II and B.A. Part III, she filed the present writ petition. The action of respondents 2, 3 and 5 in not issuing roll No. of B.A. Part I and admit cards of B.A. Part II and B.A. Part III is styled to be illegal, unconstitutional and arbitrary as respondent No. 3 has already accepted the admission form, examination fee and balance fee particularly when the question of equivalence has also been decided in favour of the petitioner pursuant to orders issued in earlier writ petition filed by the petitioner, reference whereof has already been given above.

7. In response to the notice that was issued by this Court, respondents No. 2 to 5 have filed written statement wherein it has been pleaded that the petitioner took admission to the Modern Office Management course run by Punjab State Board of Technical Education and Industrial Training during 1995-96. At the relevant time, the eligibility requirement for admission to the said course was

matriculation. The stipulation contained in brochure for admission to the said diploma course for the session 1995-96 also contains eligibility requirement i.e. Matric or equivalent examination with pass in Mathematics, Science (Physics, Chemistry and Biology) and English as compulsory subject. It is, thus, pleaded that admission of the petitioner in Modern Office Management course was based on matriculation examination. The matter regarding equivalence of the said diploma course was taken up by the equivalence committee of the University. In its meeting held on 8.9.1998 it was decided that the diploma courses offered by Government Recognised Boards, the basis whereof is matriculation, shall be equivalent to 10-1-2 for the purpose of the admission to next class i.e. B.A. Part I/B.Com. The committee clarified that two years diploma course on the basis of the matriculation shall not be equivalent to 10+2. It is pleaded that eligibility for admission to three years diploma course including the diploma in Modern Office Management offered by Punjab State Board of Technical Education and Industrial Training was increased from matriculation to 10+2. The equivalence committee in its meeting held on 16.12.1998 minutes where of have been placed as Annexures R-3 decided that the said diploma course will be equivalent to first degree (graduation) for the purpose of admission to higher studies (M.A.) subject to the condition that the candidate passes compulsory subject of Punjabi of B.A. Part I, B.A. Part II and B.A. Part III from the Punjabi University, Patiala. This decision was approved by the Academic Council in its meeting held on 1.2.1999. The equivalence committee again met on 9.4.1999 to reconsider the entire position and vide minutes Annexure R-4 it was decided that the equivalence of three years diploma course in Modern Office Management of Punjab State Board of Technical Education and Industrial Training, for the purposes of employment and admission to higher studies (M.A. etc) of the University, shall be applicable to those students only who passed three years course in Modern Office Management on the basis of 10+2 qualifications. In this manner, it is pleaded that University classified the diploma course in two categories:

- (a) Course where the matriculation was the eligibility requirements;
- (b) Course where 10+2 was the eligibility requirement for admission.

8. In category (a) the course was equated to 10+2 while in category (b) the course was equated to graduation vide decision Annexures R3/R4. The logic of distinction is that graduation degree is conferred after 15 years of studies i.e. 10+2+3. A person who studies for less period i.e. matriculation and three years diploma could not be equated to degree.

9. From the facts as have been fully detailed above, it, thus, transpires that pursuant to orders passed by this Court in C WP No. 921 of 1998, the respondents vide orders dated 8.9.1998 decided to equate Diploma in Office Management with 10+2. Naturally, this decision did not favour the petitioner. The petitioner was left with no choice in view of the decision dated 8.9.1998 but for to take admission in B.A. Part I. This has been so pleaded in paragraph 5. Petitioner in C WP No.4837 of 1999 Shaminder Kaur had filled up her admission

form 40155 for B.A. Part I with subjects (English, Punjabi, Education, Public Admn. Business and Office Practice) alongwith a bank draft of Rs. 655/-. She was issued Roll Number 10411 of B.A. Part I for Sessions April, 1999 for all the subjects. She was, however, made to deposit an amount of Rs. 200/-which she deposited vide receipt No. 55265. All what has been said above has been pleaded in paragraph 5 of the petition. Vide orders dated 16.12.1998, respondents, however, equated Diploma in Office Management with B.A. subject to clearing of Punjabi Compulsory subject of B.A. Part I, B.A. Part II and B.A. Part III. This decision of the respondents has been produced in paragraph 9.

10. Immediately when the petitioner came to know of the decision dated 16.12.1998, she made representation dated 18.1.1999, Annexure P-6, that she may be permitted to appear in B.A. Part, B.A. Part II and B.A. Part III in Punjabi Compulsory subject. This representation was allowed and consequently the petitioner filled in her form for Punjabi subject of B.A. Part I, B.A. Part II and B.A. Part III and deposited admission fee as well. It is on heels of examination of Punjabi subject in which the petitioner was allowed to appear that yet another decision dated 9.4.1999 came to be passed. Vide this decision equivalence was split into two parts. It requires to be mentioned at this stage that at one particular time admission could be granted in Office Management course if a candidate had passed matriculation followed by joint entrance test. This eligibility criteria, however, later on changed and the minimum qualifications required became 10+2 without joint entrance test. It is in this scenario that the respondents decided that course where matriculation was the eligible qualification, three years office management diploma course would be equivalent to 10+2 course and where eligibility required was 10+2 to take admission in the course aforesaid, it would be equivalent to B.A. On knowledge of this decision, the present petition came to be filed with the interim orders reference whereof has already been given.

11. In the context of the facts as have been fully detailed above, the learned counsel representing the petitioner vehemently contends that respondents cannot take contrary decision from time to time. In any case further contends the learned counsel that if by a decision earlier taken, the petitioner had adopted a particular course of acquiring the desired qualification and then had to abandon the said course on account of change of decision, the changed decision should not come to the disadvantage of the petitioner. It may be recalled that as the decision dated 8.9.1998 was not favourable to the cause of the petitioner, she actually took admission in B.A. Part I and did all that was possible to complete her studies there. On change of decision or replacement of the same by order dated 8.9.1998, she had to abandon her studies of B.A. Part I. It is in these circumstances that she made representation seeking permission to take examination of B.A. Part I, Part II and Part III compulsory Punjabi subject which, as mentioned above, was allowed. Naturally, the decision now taken vide orders dated 9.4.1999 would leave the petitioner at such cross roads that she will neither be able to pursue her studies in B.A. Part I in which she had actually

taken admission nor her qualification would be such that may be equivalent to B.A. by dint of her having obtained three years' diploma in Office Management.

12. Mr. Govind Goel, learned counsel representing the respondents endeavoured to justify the decision dated 9.4.1999, based on eligibility criteria for admission to office management course but could not, by any means, justify the change of decision, as reflected above, resulting into disadvantage and loss of year to the petitioner, it is conceded during the course of arguments that respondents while changing the decision or taking alternative decision on different occasions had put the petitioner in such a position that her academic career has suffered irretrievably. Faced with the situation, the learned counsel only states that the equivalence granted by the respondents to the office management done by the petitioner may be confined to the case of the petitioner alone. Inasmuch as the decision but for in the case of the petitioner taken vide order dated 4.4.1999 is based on rational differentia, there cannot be any exception to what Mr. Govind Goel has so fairly stated in Court. It requires to be mentioned here that on the last date of hearing Mr. Govind Goel was asked to inform the Court whether result of the examination taken by the petitioner pursuant to the interim orders passed by the Court has been declared or not. On instructions given to him, he admits that all the petitioners if result is declared would be passing.

13. Finding merit in the contention of the learned counsel as noted above, as also fair stand that had been taken by the respondents, the Court without declaring it the office management course equivalent to B.A. still directs that in so far as the petitioners are concerned, office management course done by them shall be considered equivalent to B.A. in case they pass the examination of compulsory subject of Punjabi of B.A. Part I, B.A. Part II and B.A. Part III the result of which be declared by the respondents within four weeks.

The writ petition is allowed in the manner aforesaid, leaving the parties to bear their own costs.

14. Petition allowed