

(2012) 08 KAR CK 0184

In the Karnataka High Court

Case No : Writ Petition No. 25759 of 2012 (Edn-Cet)

Shrikanth Waddar

APPELLANT

Vs

Karnataka Examinations Authority and Others

RESPONDENT

Date of Decision : 06-08-2012

Acts Referred:

Constitution of India, 1950 — Article 13, 14, 21

Citation : (2012) 08 KAR CK 0184

Hon'ble Judges : Ram Mohan Reddy, J

Bench : Single Bench

Advocate : V S Gunjal, for the Appellant; N K. Ramesh, For R1, Sri. N.B. Viswanath, Aga For R2 and R3, Sri. P.S. Dinesh Kumar, For R4 and Sri. K.S. Bharath Kumar, For R5, for the Respondent

Judgement

Ram Mohan Reddy

1. Petitioner claiming to have passed the Secondary School Leaving Certificate (SSLC) and a certificate course in Electrical Mechanic during the year 2004 at the Government Industrial Training Institute, Jamkhandi, asserts to be an employee of SNS Industries until 2008, whereafterwards was admitted to the Diploma in Electronics & Communications Engineering course (31/2 years) at Nadiger Evening Polytechnic whence he worked at GE-BEL Limited and is presently employed by the Bangalore Metro Rail Corporation Limited. According to the petitioner, Day Scholars will have to undergo the said course study for 3 years, while the students admitted to the evening diploma will have to undergo the course study for 31/2 years. Petitioner having evinced interest to appear for the Common Entrance Test (CET) of 2012 conducted by the Karnataka Examination Authority, for short "KEA, for a lateral entry to the 2nd year B.E. degree course, has presented this petition challenging the vires of Rule 3(A)(ii) dt. Nil, of the Information Brochure issued by the KEA pertaining to the academic eligibility of 2 years professional experience after obtaining the Diploma, as being violative of Articles 13, 14 and 21 of the Constitution of India and for a mandamus to

respondents 1 to 3 to permit the petitioner to appear for the CET conducted by the KEA without insisting on the said condition. Learned Counsel for the petitioner while reiterating the averments in the memorandum of writ petition, submits that Rule 3(A)(ii) of the Information Brochure issued by the KEA is not in consonance with Clause 9.1 of the All India Council for Technical Education (AICTE) Approval Process Handbook (2012-13). According to the learned Counsel, clause 9.1 states that part-time programs are only for working professionals or professionals with atleast 2 years of work experience and does not indicate that the 2 years of work experience must be after obtaining the Diploma, while Clause 3(A)(ii) of the Information Brochure for Diploma CET 2012 of the KEA states that the candidate after obtaining the Diploma, must have a minimum of 2 years of professional experience in the branch of Engineering/ Technology in which he or she holds a Diploma as of 1st September of the year of admission.

2. Sri. P.S. Dinesh Kumar, learned Counsel for the AICTE - respondent No.4, submits that Clause No. 9.1 ought to be read as 2 years work experience after the securing a Diploma. Sri. N.K. Ramesh, learned Counsel for KEA, too adopts the submission of Sri. P.S. Dinesh Kumar.

3. Government advocate for respondent No.2 submits that Annex.L - representation addressed to the Director, Board of Technical Education in Karnataka, is ceased of the request of evening polytechnic students at Bangalore for waiver of industrial experience of 2 years after obtaining the diploma to join the evening B.E. course as are already working under various organisations. According to the Learned Counsel the said representation would be considered and orders passed, in accordance with law, if granted reasonable time. Learned Counsel, hastens to add that if the Board of Technical Education in Karnataka decides in favour of the petitioner, then the KEA is bound by the decision. Since the question, whether the 2 years work experience under Clause 9.1 of the AICTE Approval Process Handbook implies work experience after obtaining the Diploma in an Evening Diploma Programme or whether it is in the process of obtaining the evening diploma, needs to be addressed by the Director, Board of Technical Education in Karnataka. Without expressing any opinion over the merit or demerit of the contention of the petitioner and allowing the Board of Technical Education in Karnataka to take a decision thereon, and if the petitioner is aggrieved, may question the same in an appropriate legal proceeding before a competent court of law. Petitioner is permitted to appear for the CET 2012 scheduled on the 19th August 2012 after the KEA accepts the petitioner's application by issuing an admission ticket. It is needless to state that the academic and professional eligibility of the petitioner is subject to the outcome of the decision of the Director of Technical Education.

Petition is accordingly disposed of.

The Director of technical education to comply by 31/8/2012