
(1993) 01 RAJ CK 0042
In the Rajasthan High Court
Case No : Civil Writ Petition No. 5030 of 1990

Smt. Lata Bai

APPELLANT

Vs

Mohan Lal Sukhadia University and Another

RESPONDENT

Date of Decision : 18-01-1993

Acts Referred:

Citation : (1993) WLN 117

Hon'ble Judges : R.P. Saxena, J

Bench : Single Bench

Final Decision : Allowed

Judgement

Rajendra Saxena, J.—Heard and perused the relevant record.

2. The petitioner passed her matriculation examination from Haryana Education Board in the year 1983. On 16.5.84 she was married to Shri Sube Singh, who is resident of village Sulkhania Chhota, Tehsil Rajgarh district Churu (Rajasthan). Thereafter, the petitioner passed Higher Secondary Examination from the Board of Secondary Education, Rajasthan in the year 1985, mark-sheet there of is Annexure-2. She also passed three years degree course from University of Ajmer in the year 1988 vide mark-sheet Annexure-3. Thereafter, she appeared in the Pre-Teaching Education Test, 1990 (in short, "PTET"). Since, her father Amir Singh was a defence personnel, she was also categorised in the category of ward of offence personnel. She appeared in the said PTET and was declared successful having secured 262 marks vide mark-sheet Annexure-4: Her name was shown in districtwise merit list as out of state candidate. She had preferred for admission in the institutions situated in Churu district. As per cut off points (minimum marks) in PTET, 1990 B. Ed. (Annex. 5) candidates securing minimum 260 marks were given admission in Churu District. But her candidature was not considered for Churu District on the ground that she was not a bona fide resident of Rajasthan in view of Clause 5 of the Guidelines for PTET, wherein it has been mentioned that for deciding the candidature of a person from a District of Rajasthan, only consideration will be the District From where that candidate has

passed Secondary School Examination. The petitioner has, therefore, prayed that the respondents be directed to give admission to her in any Teachers' Training School situated in Churu district.

3. The respondent No. 1 in its reply has contested this writ petition only on the ground that since the petitioner was not initially resident of Rajasthan and had married in Rajasthan, the provisions of guideline No. 5 shall not apply in her case and as such she cannot get advantage on account of her husband's residence.

4. This Court by its interim order dated 3.12.90 directed the respondents to provisionally admit the petitioner to the E. Ed. Course at Churu and accordingly she was given admission in Basic T.T. College, Gandhi Vidhya Mandir, Sardar Shahar, Churu. The petitioner studied the B. Ed. Course and has also appeared in the B. Ed. Examination held in the year 1991. However, her result has not been declared so far in pursuance to this court's order dated 20.6.91.

5. I have given my thoughtful consideration to the rival submissions.

6. The petitioner passed her matriculation examination from Haryana Education Board in the year 1983. It is not in dispute that on 16.5.84, she was married to Shri Sube Singh Jat resident of Sulkhania Chhota Tehsil Rajgarh, Churu. The S.D.O, Rajgarh, district Churu also issued a certificate dated 19.6.85 certifying that the petitioner was a bona fide resident of Sulkhania Chhota district Churu.

7. In DB Civil Writ Petition No. 2552/87 Gyatric Singhal v. State of Rajasthan and Ors. and other writ petitions decided on 23rd Nov., 1987 in a similar matter, it has been held that after marriage, a woman acquires the domicile of the place of her husband.

8. The contention of Shri Bhandari is that since the petitioner was not initially the resident of a place outside Rajasthan, the condition No. 4 of the Guidelines cannot be processed into service. In my considered opinion, this contention is mis-conceived. The basic point decided in the aforementioned judgment rendered by the Division Bench is that after the marriage, the wife acquires the domicile of the district where her husband resides. It will be clearly fallacious to contend that though a lady, who was initially residing outside Rajasthan, after her marriage, should be treated as resident of the district of Rajasthan in which her husband resides but a lady, who is initially residing in a different district in Rajasthan, after her marriage should not be considered as the resident of another district of Rajasthan where her husband resides. In the instant case, admittedly, the petitioner had passed her matriculation examination from Haryana Education Board, and thereafter she got married with Shri Sube Singh, who is resident of district Churu. In her application for PTET she had also specifically mentioned that she was also a ward of a defence personnel and opted for Churu district. The parties are also at common ground that vide Annex. 5, the candidates securing minimum 260 marks were given admission for B. Ed. Course in Churu district while the petitioner vide mark-sheet (Annex. 4) has secured 262 marks in the PTET. Her husband is admittedly a resident of Churu District. After

her marriage the petitioner acquired the domicile of her husband and she was legally entitled to be considered for admission in B. Ed. Course in any institution situated in Churu district. The petitioner has already undergone the full course of B. Ed, and also appeared in the B. Ed. Examination. Therefore, this writ petition deserves to be accepted.

9. In such circumstances, I allow this writ petition and direct the respondents to declare her result of the B. Ed. Examination held in the year 1991. No order as to costs.