
(1987) 08 RAJ CK 0007
In the Rajasthan High Court
Case No : Civil Writ Petition No. 355 of 1987

Smt. Reeta Sharma

APPELLANT

Vs

University of Rajasthan and Others

RESPONDENT

Date of Decision : 18-08-1987

Acts Referred:

Citation : (1987) WLN 454

Hon'ble Judges : M.B. Sharma, J;Farooq Hasan, J

Bench : Division Bench

Judgement

1. The petitioner was provisionally admitted in B.Ed. SSCC course for the session 1984-85. Thereafter, some dispute arose as to whether the petitioner was eligible to be admitted in B.Ed. (Correspondence Course). There was exchange of the correspondence between the petitioner and the University, and on June 10, 1985 vide Annexure-8, Dr. CM. Sharma, Associate Professor and Incharge B.Ed. University of Rajasthan, Jaipur informed the petitioner that her provisional admission taken has not been confirmed. The petitioner thereafter represented and under letter dated 17th June, 1985 (Annexure 11) she was informed that her representation is under consideration and in the mean time, the petitioner was provisionally permitted to fill up the examination form for B.Ed. SSCC course. And, she filed a Civil Suit No. 500/1985 in the Court of Additional Munsif and Judicial Magistrate First Class, Jaipur City (East), Jaipur, on July 16, 1985 as the examinations were to commence from July 17, 1985. An application for temporary injunction was also moved in that suit and the learned Additional Munsif Magistrate allowed that application for injunction and permitted the petitioner to appear in the papers of the examinations which were to be held on July 17, 1985. Thereafter the petitioner was permitted to appear in all the examination papers and she appeared in the papers as per the orders of the learned Additional Munsif Magistrate. The aforesaid civil suit continued but no further progress could be made though the petitioner had appeared in the examination under the orders of that Court but, her result was not declared, therefore, after waiting for one and 1/2 months, the petitioner withdrew that civil

suit as the proceedings in civil suit were thought to be time consuming and during the pendency of the suit, her result might not be declared. The petitioner thereafter preferred to file the present writ petition.

2. After having heard Shri Rajdeep Rastogi, learned Counsel for the petitioner and Shri G.S. Singhvi, the learned Advocate for the University of Rajasthan and, after having gone through the material on record, we are of the opinion that the various documents produced by the petitioner from time to time before the University of Rajasthan do make the case of the petitioner doubtful in as much as the petitioner furnished more than one certificate, each of them was contradictory so far as her work experience, and her being continuous in service are concerned. Even if we do not go into these facts for the present controversy, then also the petitioner cannot deny that there is break from July 25, 1984 to 2nd November, 1984; and even as per the case of the petitioner, she was relieved from the institution of Adarsh Vidhya Bhawan, Bani Park, Jaipur where she was earlier employed; and, joined her new post in Dausa.

3. Under Order 329-L-50 of the University of Rajasthan Ordinances, a whole time paid in service teacher who has obtained his Bachelor's Degree in Arts/Commerce/Science (including Agriculture) of the University or of any other University recognised for the purpose by the Syndicate with any of the two subjects mentioned here under and possesses a minimum of three years experience of teaching in a recognised School (Primary/Secondary/Higher Secondary/and has, thereafter completed a training for 14 months through Summer School-cum-Correspondence Course may be admitted to the examination for the degree of Bachelor of Education. Therefore, before a candidate can be admitted to the examination for the degree of Bachelor of Education. he must be whole-time paid in service teacher of a recognised School which the petitioner was not in between 25th July, 1984 to November 2, 1984. Not only a candidate must be a whole time paid in service where he or she makes application for appearing in the examination but also till he or she appears. The petitioner as earlier stated was allowed to fill up the form to appear in the examination, she had earlier too been provisionally admitted in the correspondence course; she studied through out the session and was also allowed to appear in the examination; and all that remains is that her result was/is not declared. Though the practice of the petitioner, first to go in the civil court--get injunction order through the Court to appear in the examination papers--then, to withdraw the suit and lastly to come to this Court, is deprecated but, taking into consideration the facts of the present case, that the petitioner was provisionally admitted in the correspondence course for B.Ed, and was allowed to fill in form to appear in the examination, then appeared in the examination; we are of the opinion that the equities are now in her favour and her result for 1984-85 must be declared. Thus, taking a sympathetic view in the matter, we hereby partly allow this writ petition and direct the University of Rajasthan to declare the result of the petitioner for B.Ed. Correspondence Course for academic session 1984-85 immediately but in no case later than one month. No order as to

costs.