

(1988) 12 GUJ CK 0014
In the Gujarat High Court

Soni Varshaben Rasiklal

APPELLANT

Vs

Director of Education and Another

RESPONDENT

Date of Decision : 07-12-1988

Acts Referred:

Constitution of India, 1950 — Article 14, 14

Gujarat Educational Institutions (Regulation) Act, 1984 — Section 13(1)(g), 13(1)(g)

Citation : (1989) 2 GLR 907

Hon'ble Judges : P.R. Gokulakrishnan, C.J;R.J. Shah, J

Bench : Division Bench

Judgement

P.R. Gokulakrishnan, C.J.—By this Special Civil Application, the petitioner wants to declare certain provisions of the Gujarat Educational Institutions (Primary and Pre-Primary Training College) Rules, 1984 as ultra vires Article 14 of the Constitution of India and also ultra vires Section 13(1)(g) of the Gujarat Educational Institutions (Regulations) Act, 1984. We can straightaway refer to the rule, which is being impugned by the petitioner herein. Mrs Hiraben R Joshi. the learned Counsel appearing for the petitioner pointed out Rule of the aforesaid Rules, which reads as follows:

6. The academic year of Education Institution will commence on second Monday of June and will corns to an end last Saturday of April, unless the director has made an ordeï otherwise in summer there will be vacation of not more than six weeks and in winter there will be a vacation of (not) more than three weeks. The Director will take a decision about the commencement and the end.

2. She has also pointed out the Schedule 5 framed by virtue of Rule 6 of the aforesaid Rules. This Schedule makes provisions for giving admission in educational institutions. The learned Counsel points out Clause 3 of this Schedule, which reads as follows:

3. The minimum age of the candidate for giving admission should be 15 years at the commencement of the academic year: and if his age is more than 22 years at such commencement, no admission will be given in that case in the

educational institution,

The only argument advanced by the learned Counsel appearing for the petitioner is that the academic year commenced on 15-6-1988, while as per Clause 3 referred above, the minimum age of the candidate should be 15 years at the commencement of the academic year. Admittedly, the petitioner in this case completes her 15 years on 11-7-1988, and on 15-6-1988, when the academic year commenced, she was below the required age. Correctly, the petitioner was refused admission in the training course. This is being questioned in this Special Civil Application. In support of her contention, the decision in the case of The Board of High School and Intermediate Education, U.P. and Another Vs. Gopal Narain Singh, , was brought to our notice. That is a case, in which there was a Government Directive fixing nine years as the minimum age limit for admission to Class VI and also fixing minimum 14 years as a term of eligibility to High School Examination. For such academic courses, the Allahabad High Court held, the fixation of the age limit and the classification have been made without any particulars or data and such arbitrary fixation will offend Article 14 of the Constitution. As far as the present case is concerned, the admission is to the Primry and Pre-primary Training College Course. The candidates admitted in this Training College have to take up the responsibility of teaching profession. Hence, the f decision of the Allahabad High Court, cited by the learned Counsel appearing for the petitioner, will not be of any use in deciding the present case

3. The State Government, in its wisdom, thought it fit that the age of the candidates getting admitted in this course must be 15 at the commencement of the academic year. The upper limit of the age has also been given, with concession to the Scheduled Caste and Scheduled Tribe candidates. The wisdom of the State Government in fixing the age limit for those who have to get training in this course, in our opinion, cannot be interfered with or modified by this Court. The petitioner has also not pointed out any shocking infirmity in fixing up such an age limit. The age limit fixed in our opinion, seems to be reasonable, taking into consideration the course in which such candidates have to be admitted. Mr Pandya. the learned Government Pleader, who appears on notice, points out that there is absolutely no provision in the Rules for granting any exemption. Taking all these points into consideration, we do not find that there is any merit in this Special Civil Application and accordingly the same is dismissed.