

(2005) 02 DEL CK 0200
In the Delhi High Court
Case No : Writ Petition (C) 13162 of 2004

Sonia Jaspal

APPELLANT

Vs

State Counsel for Education Research and Training and
Others

RESPONDENT

Date of Decision : 24-02-2005

Acts Referred:

Citation : (2005) 02 DEL CK 0200

Hon'ble Judges : Gita Mittal, J

Bench : Single Bench

Advocate : S.R. Sharma and S. R. Kalkal, for the Appellant; Avnish Ahlawat and Latika Choudhry, for the Respondent

Final Decision : Dismissed

Judgement

Gita Mittal, J.—This writ petition has been filed seeking a mandamus directing the respondent to grant admission to the petitioner in the Diploma course in Elementary Teacher Education for the session 2004-06. The petitioner is claiming entitlement to the admission in 2% quota of seats which were reserved for candidates under the Education For All (EFA) category.

2. According to the petitioner, she hails from village Mundka falling under District Institute of Education Training (DIET), Old Rajinder Nagar, Delhi. She claims to have conducted teaching classes for thirty illiterate persons running in two batches w.e.f. 14th August, 2001 to March, 2003. The petitioner submits that this teaching programme was conducted by her under the Education Policy of the Delhi Government to eradicate illiteracy. The petitioner submits that she was required to educate only ten illiterate persons for one year and that she has ably fulfilled the requirement entitling her to the issuance of the certificate under this programme.

3. Respondent No. 1 is stated to be running courses of Elementary Teaching Training Education and is a creation of the respondent No. 2. The petitioner

submits that the courses are run through nine District Institutes of Education Training ("DIETS" for brevity) by the respondent No. 1 and 2. In addition there are four private recognised institutes offering seats only for female candidates offering these courses. The respondents are stated to have declared and issued the prospectus setting out the conditions for eligibility, availability of seats including seats under the prescribed quotas for the diploma course in the elementary teacher education. So far as candidates seeking entitlement to admission on the ground of their being education for all volunteers is concerned, the brochure provides reservation for a total of twenty seats in various DIETs and private institutes.

4. The petitioner appears to have applied for the entrance test for the diploma in elementary teacher education under the EFA category. She was declared successful in the result of the entrance exam declared on 14.7.2004 in the Navbharat Times and has claimed that she has been placed at number four in the order of merit. The petitioner was asked to report for counselling on 21.7.2004. However, the Principal at DIET, Moti Bagh, New Delhi is stated to have recorded that the petitioner did not have any certificate of having participated in the Education For All Programme except a certificate of the Area Co-ordinator.

5. The petitioner's case is that the respondent did not give her admission to the Government DIET and again declared the results of successful candidates for admission in the private DIETS on 27.7.2004. She claims that she was placed first in the order of merit as per the public notice dated 27.7.2004 in the Navbharat Times.

6. The petitioner has pointed that she cannot be made to suffer for the fault of the respondents. According to the writ petitioner, the respondent No. 1 has not appointed a core committee to evaluate the learners. It is the case of the petitioner that respondent is exercising hostile discrimination against her claiming that an identically placed petitioner in CWP No. 7341/2002 was granted admission pursuant to an order passed by the Hon'ble Court in her favour on 31.1.2003.

7. The petitioner has placed reliance on a certificate dated 27.3.2004 which has been placed on record as annexure P-12, to urge that she has substantially complied with the requirement under the scheme for admission and that denial of admission to her was totally unjustified and arbitrary necessitating the filing of the present writ petition. 8. The respondents have entered appearance and have filed a detailed counter affidavit in opposition to the averments made by the petitioner. Counter affidavit has been filed by Ms. Daljeet Kaur who is stated to be Deputy Director of Education, District West B of the Directorate of Education, Government of NCT of Delhi. According to learned Counsel appearing for the respondent, Daljeet Kaur is the person concerned with issuance of the certificate also in the instant case. According to the respondent the petitioner has rightly been denied admission by respondent No. 1. Respondents absolutely deny the fact that petitioner ever took the teaching programme under the Education for All

Scheme of respondent No. 2. According to the respondents, a detailed procedure has to be followed for running the EFA Centre and evaluation of learners at the centre. Several steps for taking the EFA programme have to be undertaken by a participant which includes collection of material supplied by the authority, getting periodic and regular evaluation of the attendance record of the learners which is supervised by a district coordinator through Associate Co-ordinator. The appointment of the Area Co-ordinator and supply of material is done at the instance of Deputy Director of Education who is the District Coordinator under the programme. The petitioner has never taken any material nor furnished weekly reports to the Associate Co-ordinator. The petitioner has not taken even the attendance register or material which is furnished by the volunteers carrying out the EFA programme. The hierarchy of verification, supervision and reporting has not been followed or maintained in the case of the petitioner. As such, according to the respondents, the petitioner never undertook the EFA classes and the petitioner was disentitled to the admission under the quota reserved for participants in the EFA programme which is a category for which reservation of seats has been provided by the respondents.

9. In order to support the submissions orally made, the respondents have also produced original record relating to one other candidate namely Ramandeep Kaur as a sample for this Court to appreciate the manner in which an EFA centre is run and evaluation of the course as well as the learners is undertaken by the respondents. I find that in order to run an Education For All Centre, the respondents have stipulated the following:

- a) Voluntary Instructor (V.I.)- Any person who is interested in running a learning centre, should have at least 10 learners in one class.
- b) V.I will decide place for taking classes as well as convenient time of running the classes.
- c) V.I will contact the Principal of the nearest Government school-Area Coordinator for material required to run the classes.
- d) V.I will give a list of learners along with the particulars and address to the Area Coordinator/ Master Trainer.
- e) V.I will request for getting himself/ herself trained in conducting classes under the EFA programme.
- f) District Coordinator will arrange 3/5 days training of V.I.s for smooth running of the classes.
- g) Area Coordinator will write to District coordinator (DDE) through the Associate Coordinator (Education Officer/ other designated person) for the material to run the classes.
- h) DDE (District Coordinator) will write to the DIET concerned for supplying the material to the V.I through the Area Coordinator.

All the above mentioned steps have been followed in the example case of Ramandeep Kaur produced before me.

10. It is noteworthy that a volunteer instructor produces the attendance register, result sheet of evaluation conducted and names of learners regularly before the Area Coordinator. Regular reports are required to be submitted to the Zonal Office by the Area Coordinator and an application is to be made for issuance of the certificate. The certificate is issued by the Directorate of Education in a format. I find that the certificate issued to Ramandeep Kaur was in the following term:

Education For All

Govt. of N.C.T. of Delhi

Directorate Of Education

District West, New Moti Nagar

New Delhi-110 015

Certified that Ms. Ramandeep Kaur D/o Shri Jaspal Singh resident of 1/1 Ashok Nagar, New Delhi has worked for the Education For All Campaign w.e.f. October, 1996 to June 1997.

Eleven (11) learners in her class have already completed Third Primer and the Evaluation has not/ has been conducted and Twelve/Eleven (11) learners have passed the test.

Sd/- sd/- sd/- sd/- MT Area Coordinator EC DDE (West)

11. It is noteworthy that internal valuation of EFA learners is conducted by the DIET under which the volunteer is registered. The evaluation is done by holding a test and the result is forwarded to the concerned school run by respondent No. 2. There is no such record available in the instant case. An attendance register is also issued by respondent No. 2 and the same has to be verified by the Coordinator of the candidate.

12. I have also carefully examined the decision dated 31.1.2003 in CWP No. 7341/2002. In this case, the petitioners were possessed of a certificate issued by respondents but there was a dispute with regard to its correctness. In these circumstances, the Court had made direction for scrutiny of records and arrived at the conclusion which formed part of the judgment. The decision specifically records as follows;

However, it is made clear that this writ is founded on the special facts which led to a revivification and can not be a precedent where such a factual situation does not exist.

13. The petitioner can place no reliance on the judgment rendered in this case.

14. The present record shows that the petitioner appears to have made a request for starting an EFA Centre and had approached one Sh. Asurvedh who was the EFA incharge in the Government Co-education Senior Secondary School, Ranhola Delhi-41. After her initial meeting, the petitioner did not take any follow up action for appointment of an Area Coordinator. The respondents have placed a letter from Sh. Asurvedh to this effect on recorder The petitioner also did not at any point of time collect the required material for running the classes nor gave any list of her learners along with particulars to the authorities. It is an admitted position that the petitioner was never trained in conducting classes under the EFA programme. Since no Area Coordinator was ever appointed, there was no question of any request from such Coordinator for assignment of material for running the classes. Further the requisite communication by the Deputy Director Education who is the District Coordinator to the concerned DIET for supplying material to the voluntary instructor which was the petitioner in the instant case, through the Area Coordinator was never made. No weekly progress reports were ever sent by any Area Coordinator to any person appointed as the Associate Coordinator. No report of any Centre maintained by the petitioner was ever sent to the District Coordinator, i.e. the concerned Deputy Director Education. There is nothing on record to show supervision by the District Coordinator or the Area Coordinator or the Associate Coordinator of any EFA centre run by the petitioner.

15. The petitioner for the first time appears to have made a claim that she is running a centre and its evaluation in April 2004 to the Principal of the DIET in Keshavpuram.

16. Vide a letter dated 16.4.2004, the Principal of the DIET at Keshavpuram informed the petitioner that her case did not fall under the jurisdiction of the DIET at Keshavpuram as Keshavpuram was in the West District and Village Mundka to which the petitioner belonged was not in the West District. Thereafter the petitioner appears to have approached the Principal of Boys Senior Secondary School, Mundka seeking evaluation of her learners Centre on 7.7.2004.

17. Around the same time the petitioner appears to have written to respondent No. 3 on 21.7.2004. This letter has been placed on the writ record as annexure P.8 and reads to the following effect:

To

Director

SCERT Varun Marg

Defence Colony

New Delhi-24.

Sir,

It is submitted that I Miss Sonia Jaspal (EFA) education for all as volunteer of

DIET has passed examination but I do not possess EFA certificate which is awarded by DIET. I shall be able to produce this certificate within two months, therefore I may be granted two months time. I shall be very grateful to you for this. I may be granted admission on temporary basis.

Thanking you,

21.7.2004

Yours Sincerely

Sd/-

Sonia Jaspal

Roll No. 27926

Category EFA

18. There is an endorsement on this letter from the officials of the respondent No. 1 which reads:

She does not have any certificate of EFA except Area Coordinator.

Sd/-

21.7.2004

19. Therefore it is the case of the petitioner herself that she was aware of the requirement of the EFA Certificate and that she was not possessed of the same.

20. The contention of the petitioner that the Brochure did not require the petitioner to obtain a certificate in any specific formate and that the only requirement stipulated in the brochure for the admission in the EFA category was to the following effect:

Following conditions must be satisfied for availing reservation under aforesaid reserved categories,

In case a candidate selected for counselling under reserved category fails to produce certificates of that particular category, he/she will not be considered for admission.

EFA Volunteers Certificate from Associate Coordinator countersigned by the competent authority authorized by Joint Secretary DSSAS for working at least one year in EFA subject to scrutiny by competent authority. A certificate of Internal evaluation whereby at least 10 learners from the DIET faculty of DIETs and counter signed by concerned Principal, DIET, Delhi.

21. The petitioner has placed reliance on a document which bears signature dated 27.3.2004 marked as annexure P-12 to the present petition. In order to appreciate the purport thereof it would be useful to set out the same in its entirety.

Govt. Boys Senior Sec. School

Mundka, Delhi-110041

Ref. No. M.DK 212A/04

Dated 27.3.2004

To Whom It May Concern

It is certified that Sonia Jaspal D/o Late Shri Rajender Jaspal, the Volunteer of EFA (Education for all) centre in H.No. 202, Vill. Mundka from 14 August 2001 to March 2003. The Number of learners in her centre is 30 which are divided into two batches both contain 15 learners. Timings are 3.00 pm to 4.00 pm and 4.00 pm to 5.00 pm.

Her area co-ordinator is Mr. Asurvedh, who is a fine art teacher in Govt. Co-ed. Sr. Sec. School, Ranhola. The supervision of her EFA centre is continuously done by Mr. Asurvedh. Sonia has taught every lessons and topic to her learners. Now they are completely literate. She has submitted one application in Keshav Puram, DIET for evaluation of her learners. Now she is waiting for response from Keshav Puram DIET.

22. This certificate on the school letter head does not state the name or designation of the authority which is issuing it.

23. The above letter bears handwritten comments of Principal Govt. Boys Sr. Sec. School, Mundka, Delhi-41, which are to the following effect:

Miss Sonia Jaspal has done good work of EFA as per verification done by Area Coordinator Mr. Asurvedh from time to time. Also I personally supervised the coaching centres which were running very successfully. I wish all the best for the said volunteer."

Sd/

Principal, Govt. Boys Sr. Sec.

School, Mundka, Delhi-41.

24. The Petitioner has asserted that this certificate was sufficient for her to meet the requirements of the respondents set out in the aforementioned brochure.

25. Perusal of this certificate shows that it does not state as to which authority has issued the same. The certificate has been typed but there are no signatures below the typed portion. It contains only some hand written comments/certificate at the bottom which purports to be in the writing of the Principal of Govt. Boys Sr. Sec. School, Mundka, Delhi who has put the date as 27.3.2004. The contents of the hand written certificate are contrary to the typed portion of the certificate. According to the typed portion of the certificate, supervision of the EFA Centre was done by one Sh. Asurvedh who has been described as "Area

Coordinator". However the hand-written portion states that the principal has personally supervised the coaching centre. Again Mr. Asurvedh has merely signed the same below the handwritten certificate given by the school principal as an EFA Incharge. The name or authority of the person issuing the certificate is not mentioned.

26. It is further noteworthy that Sh. Asurvedh has explained the circumstances in which he signed on the material produced by the petitioner. The respondents have enclosed a letter written to the Dy. Director Education of District West wherein Sh. Asurvedh has stated that after the petitioner expressed an intention to start an EFA Centre to him she did not meet him thereafter. It was only on 27.3.2004 that the petitioner approached him through Principal of Govt. Boys Sr. Secondary School Mundka and requested him to visit classes. Accordingly, Sh. Asurvedh visited two learning centres and gave report on the same letter on the same day.

27. Therefore according to Sh. Asurvedh himself, he has not conducted any assessment nor submitted any reports as a co-ordinator of the petitioner's centre and that the only visit made by him to any centre run by the petitioner for the first time was on 27.3.2004.

28. It has been vehemently urged on behalf of the petitioner that Sh. Asurvedh has signed on lists of learners etc. which have been filed along with the writ petition. In the face of the assertion made by Sh. Asurvedh in his letter to the respondents, I have no reason to disbelieve the respondents that Sh. Asurvedh has not actually verified the lists of learners and that there has not been any assessment of the centres of the petitioner other than the signatures of Sh. Asurvedh given as explained by him on 27.3.2004. There are no regular reports as were required to be sent. There is no record available which is contemporaneous in time with the claimed period of having run the centres by the petitioner.

29. The respondents have also submitted that the Principal of the Govt. Boys Sr. Secondary School Mundka has issued Annexure P-12 the certificate on 27th March, 2004 three days prior to his retirement. It has been pointed out that Principal of school had no jurisdiction to issue such certificate. There is no material whatsoever to support the petitioner's contention that any EFA centre or classes were conducted prior to 10th March, 2004.

30. The petitioner has also on 26th March, 2004 approached the Principal of the DIET at Keshavpuram Govt. School with the request to issue an EFA certificate but the same was refused by him on the ground that the case of the petitioner did not fall under the North district.

31. It is only thereafter that the petitioner has attempted to procure the certificate from the school at Mundka.

32. I also find from the record that the petitioner was conscious of the

requirement by the respondents to enable her to get admission. The petitioner has addressed a letter dated 21.7.2004 to respondent No. 3 wherein she has stated that she does not possess the requisite certificate and has prayed for two months time to procure the same. Mere signatures of any document laid before an authority cannot be held to be proof of the correctness of the contents in a case as the present. The signatory has clearly explained the manner and date of signatures.

33. Even on 27.3.2004, the petitioner has addressed a communication to the Assistant Education Director seeking evaluation of the candidates of the Centre claimed by her and has forwarded the same through the Principal of the Govt. Boys Sr. Secondary School for necessary action.

34. Therefore the argument made before this Court on behalf of the petitioner that the document issued by the Principal of the Govt. School at Mundka is the requisite certificate is devoid of any merit and is hereby rejected.

35. In view of the afore stated position on record it is not possible to hold that the petitioner was possessed of the requisite certificate of having participated in the Education For All Scheme as required for entitlement for admission to the diploma in Elementary Teacher Education conducted by the respondents. Respondents have disputed the existence of the centre itself and there is no record of assessment and evaluation of the Centre or the learners as claimed by the petitioner which is contemporaneous in time with the claimed dates of participation in the programme. For this reason it is held that the petitioner is also not possessed of any certificate issued by the Deputy Director of Education as per prescribed procedure to enable her to secure admission to the course under such quota.

36. For all the foregoing reasons I find no merit in the petition which is hereby dismissed.

37. There is no order as to costs.