

(2012) 01 OHC CK 0018

In the Orissa High Court

Case No : Writ Petition (C) No. 26691 of 2011

Soumya Ku. Mohapatra

APPELLANT

Vs

State of Orissa and Others

RESPONDENT

Date of Decision : 24-01-2012

Acts Referred:

Citation : (2012) 01 OHC CK 0018

Hon'ble Judges : Sanju Panda, J

Bench : Single Bench

Advocate : Arun Ku. Budia and A.K. Parida, for the Appellant; S. Palit for O.P. No 2, for the Respondent

Final Decision : Dismissed

Judgement

Sanju Panda, J.—The petitioner has filed this writ application for a mandamus to the opposite parties to admit him in the First Year B.Tech Degree course basing on the Joint Entrance Examination (in short, "JEE") Ranking of 2011. The bone of contention of the learned counsel for the petitioner is that the petitioner being a diploma holder in Electronics & Telecommunication Engineering Branch having secured First Division applied for the Orissa Joint Entrance Examination, 2011 under the General Engineering Course Code. The petitioner filled up the application form indicating Course Code No.01 which stands for General Engineering and showed qualification as Diploma Holder, necessary Admit Card was issued for General Engineering and he secured good rank in terms of Rank Card under the General Engineering. On the petitioner securing good rank in General Engineering, he was called for counselling at Khallikote College, Berhampur. However, he was turned down to take admission in the First Year B.Tech on the ground of being not eligible for First Year B.Tech as he does not possess the minimum eligibility criterion, i.e., 10+2 Examination or the equivalent Examination with Physics and Mathematics as compulsory subjects and the applicant should have scored 50% marks as per Clause-4.1.1 of the Brochure.

2. The learned counsel for the petitioner submitted that Clause-4.3 of the Brochure provides for the criteria for admission to second year Degree Course in Engineering course under Lateral Entry for Diploma Holders which specifies that further the students having rank in lateral entry shall also be eligible for admission to the first year class in case the vacancies in lateral entry are exhausted. However, the admission shall be based strictly on the basis of JEE rank only. Therefore, the said Clause indicates that the diploma holder candidate though under Lateral Entry is to get admitted in second year of B.Tech but if there is no vacancy then such candidate can also be admitted in first year class basing on the JEE rank only. So also Clause 6.6 of the Brochure clearly speaks that a diploma holder is required to apply either for 1st year admission or 2nd year admission but cannot apply for both, and if he applies for both then both will be rejected. Therefore, the Brochure gives liberty to an applicant who is a diploma holder to apply for 1st year or 2nd year as he so chooses. Accordingly, the petitioner applied indicating his Course Code as "01" in his application. Therefore, he is entitled to take admission in B.Tech 1st year course as there is no bar.

3. A counter-affidavit has been filed by opposite party no.2 clearly stating that they have strictly followed the guidelines issued by the AICTE and they have only adopted the said instruction of the AICTE and published the Brochure. In Clause 6.6 of the Brochure, they have clearly indicated giving two tables for admission to 1st year programme and for admission to 2nd year programme. The learned counsel appearing for opposite party no.2 submitted that between the date of issuance of Admit Card and the date of the Examination, there was a gap of nearly one month and the JEE had opened Counselling Centre also to clarify any doubt of candidate to appear in the Examination. Therefore, the petitioner should have, before sitting in the Examination, enquired about his eligibility to take admission in the 1st year Course, as there was no scope for the JEE authorities to check the forms filled up by the candidates for sitting in the Entrance Examination. Therefore, since the petitioner is only a diploma holder without having qualification of 10+2, he is not entitled to take admission in 1st year Course although he has obtained rank in the JEE.

For better appreciation, the two tables along with the relevant portion of Clause-6.6 of the Brochure are extracted hereunder :

"6.6. Course (Item -6)

xx xx xx

As per eligibility criteria, Diploma holders are required to apply either for First Year admission or Second Year admission but not for both, if two applications are received from one Diploma holder then both will be rejected.

For Admission to First Year Programme

Qualifying Exam.

Course

Course Code

Engineering only

01

Medical only

02

Pharmacy only

03

Architecture only

04

Engineering and Medical

05

Engineering and Pharmacy

06

10+2

Engineering and Architecture

07

Medical and Pharmacy

08

Architecture and Pharmacy

09

Engineering and Medical and Pharmacy

10

Engineering, Pharmacy and Architecture

11

Entrance Test for MBA, PGDM, PGCM and PGDM (Executive)

31

Bachelor

MCA

32

Degree

Entrance Test for MBA, PGDM, PGCM and PGDM (Executive) and MCA

33

For Admission to Second Year Programme (Under Lateral Entry)

Qualifying Exam.

Course

Course Code

Applied Electronics & Instrumentation

51

Automobile Engineering

52

Chemical Engineering

53

Civil Engineering/Rural Technology

54

Computer Application & Programming

55

Diploma (more

Computer Science and Engineering

56

than 50% marks)

Electrical Engineering

58

Electronics and Telecommunication Engg

59

Information Technology

60

Mechanical Engg./Tool and Die Making

61

Metallurgical Engineering

62

Mining Engineering

63

Pharmacy

64

Textile Engineering

65

Drilling

67

BioTechnology

68

Others

69

B.Sc./+3 Sc. (Mathematics as a subject in +2 Sc.)

Engineering

75

B.Sc./+3 Sc.

Pharmacy

76

4. The above table clearly shows that a candidate can take admission to 1st year B.Tech Course in case he possesses 10+2 qualification and there is no anomaly in the Brochure. Rather, the JEE authorities have given a clear information in the Brochure according to the guidelines issued by the AICTE and they have also opened a Counselling Cell to give advise if the candidates have any doubt before sitting in the Examination and a candidate is also eligible to change the preference and can sit in the Examination for which he is eligible. Since there was a time gap of nearly one month, the petitioner should have availed that opportunity but he not having done so, the mistake is on the part of the petitioner.

5. From the rival submissions made by the learned counsel for the parties and the two tables extracted above, it transpires that the petitioner has filled up the form to take admission in the 1st year B.Tech Course without having 10+2 qualification and also he has not exercised his option to change the preference. Therefore, the petitioner does not fulfil the criteria for which rightly at the time of

counselling, the JEE authorities have declined to take him in 1st Year B.Tech Course. The writ application is accordingly dismissed.