
(1996) 04 P&H CK 0088
In the Punjab And Haryana At Chandigarh
Case No : Civil Writ Petition No. 677 of 1996

Sunita Devi and others	Vs	APPELLANT
State of Haryana and others		RESPONDENT

Date of Decision : 25-04-1996

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : AIR 1997 P&H 84

Hon'ble Judges : V.K. Bali, J

Bench : Single Bench

Advocate : Rajbir Sahrawat, for the Appellant; N.S. Bhinder, D.A., for the Respondent

Judgement

1. The short question that needs adjudication in the present writ petition filed by Sunita Devi and two others is as to whether admission granted to them should be regularised even though the matriculation done by them from Board of Adult Education and Training, is not treated equivalent to the minimum qualification prescribed for admission, when they had undergone considerable course in which they were given admission and when while obtaining admission they had truly represented the facts to the respondent-authorities. The said question arises in the wake of facts which need necessary mention.

2. All the petitioners passed their Matriculation in first Division from the Board of Adult Education and Training, New Delhi. While petitioner No. 1, passed the examination in the year 1989, petitioners Nos. 2 and 3 passed their examination in 1991. Petitioners were given Matriculation Certificate by the Board. The case of the petitioners is that this Board is registered with Government of India as well with the Delhi Administration. Registration number with Government of India is 23 (5) ET (76) and the registration number with the Delhi Administration is R-8197(75). It is further the case of the petitioners that the certificates awarded by it are duly recognised by the Government of India as well as by the Delhi Administration. Delhi was declared a State and the Government of Delhi too has

recognised the examination and certificate issued by the Board vide letter dated, 3rd of Oct. 1994. Further more, the Government of Haryana vide letter dated 18th of March, 1975 gave recognition to all the degrees and diplomas which are recognised by Govt. of India. The respondents are running a Government School of Art. at Rohtak situated at the premises of the I.T.I. Rohtak. This school conducts a 2 years training course in Art and Craft. The examination for this course is conducted by the Director Industrial Training and Vocational Education, respondent No. 2 herein. On successful completion of the course, the students are given certificates by respondent No. 2. The eligibility for admission to this course is that a candidate must have passed Matriculation examination with Hindi and Drawing Fine Arts. Since all the petitioners have passed their matriculation examination in first division with subjects of Hindi and drawing, they applied for admission to the course and being entitled to admission as per their merit, they were duly given admission. Petitioner No. 1 and 2 were admitted to the course in the session 1994-95 in the year 1994. They have already passed first year of their two years course and are regularly attending the course of 2nd year.

Petitioner No. 3 got admission to the course in the year 1995 for the session 1995-97. She too was attending her classes regularly. To their utter surprise, however, the admission of all was cancelled by "Section Inspector, In-charge, Government Arts School, Rohtak, I.T.I., Rohtak, respondent No. 3 herein vide letter dated 15th of Dec, 1995. It is these orders conveyed to the petitioners vide letters Annexures P-6, P-7 and P-8 which have been challenged on variety of grounds with consequential prayer that their admissions be regularised and they be permitted to continue and pass the course. It requires to be mentioned here that the motion Bench had permitted them to carry on their classes and by now, therefore, petitioners No. 1 and 2 have completed their course and are likely to appear in the examination commencing in July 1996 whereas petitioner No. 3 has completed almost one year of her regular studies and is likely to appear in the examination which is to commence in July 1996. The cause of the petitioner has been opposed on the solitary ground that the certificate obtained by the petitioners while studying in the Board of Adult Education and Training, New Delhi, is not recognised by the School Education Board of Haryana as equivalent to Matriculation. It is also the case of the respondents that the petitioners procured a certificate from Government of India which, in fact, was not issued by them showing that the certificate obtained by them has been recognised by the Board as equivalent to Matriculation.

3. After hearing the learned Counsel for the parties and with their assistance going through the records of the case, the Court is of the considered view that the petitioners deserve the desired relief on the sole ground that while making their applications they had not misrepresented the facts at all. They had filed their certificates obtained from Board of Adult Education and Training, New Delhi along with their applications. They had at that stage nowhere attached any certificate either from the institution or anywhere else to plead that the certificate obtained by them was recognised by the School Education Board of

Haryana as equivalent to Matriculation. Despite that, their applications were entertained and on the strength of their merit they were admitted to the course under contention. The authorities i.e. the respondents herein woke up after about a year to cancel the admission granted to them. A Division Bench of this Court in Kamal Masin v. Guru Nanak Dev University 1992 (1) RSJ 551 held that recognition of equivalent of the qualifications possessed by a candidate for admission is a matter to be determined and decided before such admission is granted and not on subsequent date. It was also held that if at any later stage the University decides not to recognise such qualification, interests of justice and principles of fair play render it incumbent that this decision works prospectively only and it does not operate to the prejudice of those already granted admission on the basis thereof. Again a Division Bench of this Court at motion stage itself in C.W.P. No. 3547 of 1995 (Subash Chander v. State of Haryana) decided on 26th of April, 1995 having regard to the facts and circumstances of the case and having regard to the fact that the petitioner had completed his two, years diploma course, directed the respondents to declare the result of the petitioner. The petitioner had got admission to the J.B.T. (Diploma in Education) course some time in the year 1992. He had passed his first year diploma examination and appeared for the second year examination. The result of the second year examination was withheld on the ground that the petitioner was not eligible. This Court is in complete agreement with the decision rendered by the Division Bench of this Court in Kamal Masin's case (supra). The Court is further of the firm view that when while getting admission the petitioners did not mis-state the facts and since they had gone through considerable course of studies, it will be too inequitable for the respondents at this late stage to cancel the admission. If the concerned, candidates were denied admission at the very there should, they could think of number of alternatives but at this late stage they are at such cross-roads that it shall be impossible for them to change the course of their studies. If such permission of cancellation is granted to the respondents it would ruin the careers of the students which cannot be permitted. .

4. For the reasons stated above, this petition is allowed and the orders letters Annexures P-6, P-7 and P-8 are quashed. Petitioners are permitted to complete their studies and on their successful completing in the examination, the respondents herein shall issue them the certificates. Parties to bear their own costs.

5. Petition allowed.