
(2013) 08 DEL CK 0075

In the Delhi High Court

Case No : Writ Petition (C) 4686 of 2013 and CM No. 10715 of 2013

Sunita Rani

APPELLANT

Vs

The Vice Chancellor Jamia Millia Islamia

RESPONDENT

Date of Decision : 14-08-2013

Acts Referred:

Citation : (2013) 08 DEL CK 0075

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

Bench : Single Bench

Advocate : B.P. Singh, for the Appellant; Jaya Goyal and Mr. Rohit Gandhi, for the Respondent

Final Decision : Disposed Off

Judgement

V.K. Jain, J.—The petitioner before this Court, who is aged about 46 years, completed her B.A.-English (Hons.) from Bhagalpur University, Bihar in the year 1990 and her M.A. (English) from Delhi University in the year 1992, she applied for admission to B.Ed. (English) with respondent no. 1-Jamia Millia Islamia for the academic year 2013-2014 and also qualified the written test held for the purpose. Her name appeared at S. No. 2 in the merit list. However, the candidature of the petitioner was rejected by the university on the ground that there was a long gap of more than 3 years between her passing out M.A. (English) and seeking admission in B.Ed. Being aggrieved from the refusal of the university to grant admission to her in B.Ed Course, the petitioner is before this Court seeking direction to the respondent to permit her to attend the classes of B.Ed. (English) Course, 2013-2014. The learned counsel for the respondent, who appeared on advance notice, submits that since there was a gap of more than 21 years between the last education of the petitioner which she completed in the year 1992 and her seeking admission to the B.Ed. Course, the university did not allow the admission to her. She submits that since the petitioner is not eligible for being employed as a teacher, in a government school/college, no useful purpose would have been served by granting admission to her in the B.Ed.

Course and that was the reason her candidature was rejected.

2. During the course of hearing, the learned counsel for the respondent drew my attention to the following clause contained in the admission brochure:

1. Admission to all programmes shall be subject to the provision of the Act, Statutes, Ordinances, Regulations and the relevant resolutions of the Academic Council/Executive Council of Jamia.

She also drew my attention to clause 4 of Ordinance-V of the Jamia Millia Islamia Ordinances, Part-I, which reads as under:

4. Admission Review Committee

4.1. The case of a candidate seeking admission to a regular course other than research and part-time courses in languages, who has given up his/her studies for three or more academic years after passing a Degree/Diploma/Certificate Examination may be considered for admission by the Admission Review Committee.

4.2. The decision of the Admission Review Committee on reference by the respective Admission Committee shall be final and binding.

4.3. The admission Review Committee shall consist of the following members:

(1) Shaikhul-Jamia (Vice-Chancellor)-Chairman

(2) Naib Shaikhul-Jamia (PVC)

(3) Dean of the Faculty concerned.

(4) Dean Students' Welfare

(5) Head of the Department concerned

(6) Proctor (Convenor)

3. It is true that admission to a course in the university has to be subject to the provisions of the Ordinances of the University and no one can be granted admission if such admission is contrary to the provisions of such Ordinances. However, I find nothing in the Ordinances which bars admission to B.Ed. Course if a candidate has crossed a particular age or if there is a gap of more than three years between his/her last studies and his/her seeking admission to a course of the university. No maximum age for admission to B.Ed. Course has been prescribed in the Ordinance. A perusal of clause 4.1 would show that even if a candidate has given up his/her studies for three or more academic years, his/her application for admission may be considered by the Admission Review Committee. The very fact that the Admission Review Committee is competent to grant admission even to a person who has given up his/her studies upto three academic years after passing decree/diploma/certificate examination clearly shows that there is no bar as such to the admission merely on account of such a

gap.

4. A perusal of the minutes of the Admission Review Committee would show that the Committee considered the cases of a number of candidates who were seeking admission to various courses in the faculty of education and in whose cases there was a gap of more than three years. The said Committee vide its minutes dated 28.6.2013 recommended as under:

The committee recommended that the candidates seeking admissions to various courses in Faculty of Education with a gap of three or more than three years may be considered for admission if their ages do not exceed the higher age limits as prescribed by various Govt. agencies/Kendriya Vidyalaya Sangathan, as given below:

1. PGT-Maximum 40 years
2. TGT/Vocational teachers-Minimum 30 years
3. Primary teachers-maximum 30 years

It would thus be seen that the only ground on which the admission was refused to the petitioner was her age which is more than 40 years. The admission was granted to other candidates who had a gap of three or more than three years between their passing out the last examination and their seeking admission to other courses in the university, merely because their age was not more than 40 years in the case of PGT and 30 years in the case of TGT (Vocational Teachers and Primary Teachers). In my view, the decision of the Admission Review Committee to deny admission to the petitioner only on account of her being more than 40 years of age is irrational, illegal, arbitrary and unjustified. Even if the petitioner cannot get employment with a government college/school, she may get employment in a private school/college which employs even those who are aged more than 40 years. Moreover, it is not necessary that every person passing out B.Ed. course would take employment as a teacher. He/she may join a private coaching centre where there is no such age bar or he/she may take up private coaching, at any stage of his/her life. She may also teach on honorary basis, as a part of her obligations to the society. The education in B.Ed. Course will certainly help him/her in imparting education to the students. I find no logic behind denying admission to the B.Ed. Course only on account of age of a candidate, when the statute of the university does not bar such admissions. The endeavour of a university, in my view, should be to impart higher education to as many as persons as is possible, instead of insisting upon a particular age limit for the purpose of admission to a course of study with the university.

5. The importance of education in the life of a person hardly needs any emphasis. The education comes next only to freedom and justice, and in fact is a pre-requisite to maintain both, freedom as well as justice in its true sense. It is also said to be a great equalizer, which enables the lowly and downtrodden to come up in life and complete with those who are already well placed in life. In a

course such as B.Ed, apart from benefiting a person seeking admission to the course is also likely to benefit others to whom education is imparted by him/her. The attempt of the university, therefore, should be to encourage and not discourage admissions to such a course. For the reasons stated hereinabove, the writ petition is allowed and the respondent is directed to grant admission to the petitioner in the B.Ed. (English) within one week from today, subject to her otherwise being found eligible and completing all requirements of the university.

The writ petition stands disposed of in terms of this order. There shall be no orders as to costs.