

(2014) 10 KAR CK 0185

In the Karnataka High Court

Case No : Writ Petition No. 32199/2014 (EDN-AD)

Syed Ameer Khusro

APPELLANT

Vs

The Organizing Chairman Joint Admission Board Jee

RESPONDENT

Date of Decision : 21-10-2014

Acts Referred:

Citation : (2014) 10 KAR CK 0185

Hon'ble Judges : A.S. Bopanna, J

Bench : Single Bench

Advocate : M.N. Umashankar, Advocate for the Appellant; Abhilash Raju, Advocate and Sundaraswamy and Ramdas, Advocate for the Respondent

Judgement

A.S. Bopanna, J.—The petitioner is before this Court assailing the order dated nil impugned at Annexure-H to the petition.

2. The petitioner who had been granted provisional admission has been intimated by Annexure-H that the offer stands cancelled. The respondent is entrusted with the task of conducting the admission tests for Indian Institute of Technology which are premier institutions. The petitioner being one of the candidates was seeking admission under the "Persons with Disability" (PwD" for short) quota. The procedure for admission is provided in the JEE (Advance)-2014 Information Brochure at Annexure-C to the petition. The distribution of the top candidates is indicated therein on percentile basis equivalent to the number of seats under the different categories. The performance criteria is at clause 3.4 whereunder it is provided that the admission will be based only on the category wise All India Rank, subject to the condition that such candidates are among the top 20 percentile of successful candidates of their Boards. The top 20 percentile successful candidates have been worked out by the respondent. "PwD" candidates are however provided relaxation.

3. The document produced as Annexure-R. 2 to the petition would indicate that from the Karnataka Board of Pre-University Education from which the petitioner

was qualified, the last of the 20 percentile candidate ought to have scored 453 marks in the general category against 500 and 480 marks against 600 in the said category. On the relaxation being provided to the PwD candidates, the marks that was required to be obtained was 402 against 500, 424 against 600. As against the standard fixed, the petitioner admittedly has obtained 339 marks out of 600 in the qualifying examination. Therefore, the petitioner would not fall within the cut off which has been provided. Though at the first instance, the provisional admission had been granted, the document produced at Annexure-R. 1 would indicate that the declaration on acceptance also did not indicate the marks.

4. Be that as it may, when qualifying criteria is fixed, the same would have to be satisfied by the candidates as otherwise, the other candidates who may have obtained such lesser marks and if not provided admission would be discriminated upon.

5. Learned counsel for the petitioner no doubt relied on the decision of the Hon"ble Supreme Court in the case of Shri Krishnan Vs. The Kurukshetra University, Kurukshetra, to contend that once having permitted a student, the University cannot thereafter resile from its stand. The said case would not be of assistance herein for the reason that in the said case, the petitioner had been permitted to appear for the examination and subsequently it was sought to be withdrawn by indicating that the candidate did not satisfy the requirement of percentage of attendance. In the instant case, when the marks obtained by the petitioner does not fall within the cut off marks which has been fixed in the said category, even if the offer was made, the same was only provisional and on verification of the documents and on finding that the marks obtained by the petitioner is lesser than the cut off marks which has been fixed, the respondent would be entitled to deny the admission. The fixation of minimum marks and the selection of the candidates on that basis is prescribed for the purpose of maintaining the standard of education and in such event, if this Court interferes to direct that a seat be provided to a candidate who has not obtained the minimum marks which was fixed as a pre-requisite qualification, such orders are held to be impermissible when the experts in the field have taken into consideration all aspects and the decision has been taken.

6. Therefore, I see no reason to interfere with the action of the respondents in the instant petition. The fee said to have been deposited by the petitioner shall be refunded to the petitioner forthwith.

The petition being devoid of merit stands disposed of.