
(1982) 11 RAJ CK 0007

In the Rajasthan High Court

Case No : Civil Special Appeal No's. 599 to 639 of 1982 and 21 Ors.

The University of Jodhpur and Another

APPELLANT

Vs

Sunil Vyas and Others

RESPONDENT

Date of Decision : 29-11-1982

Acts Referred:

Jai Narain Vyas University Jodhpur Act, 1962 — Section 24

Citation : (1982) WLN 470

Hon'ble Judges : S.C. Agrawal, J;Kanta Bhatnagar, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

S.C. Agarwal, J.—All these twenty two appeals have been filed by the University of Jodhpur (hereinafter referred to as "the University") against the judgment of the learned single Judge dated August 24, 19(sic)2. By the judgment aforesaid, the learned single Judge has held that the amendments made in existing Ordinances 39 to 41 of the University were not made in accordance with the procedure laid down in Section 24 of the Jodhpur University Act, 1962 (hereinafter referred to as "the Act") and has quashed the aforesaid amendments as well as the notification dated June 29, 1982 issued by the Registrar of the University. The learned single Judge has directed that the various petitioner who had filed the writ petitions challenging the validity of the amendments made in Ordinances Nos. 39 to 41 and the notification dated June 29, 1982 (respondent in these appeals are eligible for admission to the First Year B.E. Degree Course in the Faculty of Engineering of the University and has further directed that their applications for admission to the said course must be entertained and considered on merits. Since common questions arise for consideration in all these appeals, they are disposed of by a common judgment.

2. These appeals relate to the admission to the First Year B.E. Degree Course in the Faculty of Engineering of the University. Provision with regard to the admission to the First Year B.E. Degree Course in the Faculty of Engineering of

the University is made in Ordinances Nos. 39 to 41 of the University. In Ordinance By, as it stood prior to the impugned amendments, it was laid down that no student shall be admitted to the course of study for the First Year Course of B.E. (Five Years Integrate(sic) Course) unless he/she has passed the Pre-University Examination of the University or Higher Secondary Examination of the Board of Secondary Education Rajasthan, Ajmer, with English, Mathematics, Physics and Chemistry or any other examination conducted by the Universities/boards in India or abroad recognised as equivalent to the Pre-University Examination of this University and has secured not less than 55% marks in the aggregate of Mathematics, Physics and Chemistry, equal weightage being given to each subject. In the said Ordinance, it was further provided that no candidate who has passed the examination as private candidate shall be eligible for admission. Ordinance 39-A provides for the distribution of the total intake of seats amongst the various branches, i.e. Civil Engineering, Mechanical Engineering, Electrical Engineering and Mining Engineering. Ordinance 39B prescribed the criteria of admission of students to the Five Year Integrated Course of B.E. degree and laid down that for candidates who had passed Higher Secondary or Higher examination, a common merit list would be prepared on the basis of the marks obtained at the said examination. Ordinance 39C made provision for reservation of certain percentage of seats for particular categories of candidates. Ordinance 40 prescribed the minimum age limit of 6 years and the maximum age limit of 21 years for the students who could be admitted to the First Year B.E. Course. Ordinance 41 laid down that no candidate shall be admitted to the course of study for B.E. unless he/she is in good mental and bodily health and free from any physical defect likely to interfere immediately or in future with his/her duties for active out-door service as an Engineer, and also prescribed the standards of visual acuity for the candidates seeking admission.

3. For the year 1982-83, it was decided to have a centralised procedure for admission to the First Year B.E./B.Sc. Eng./B. Tech. degree courses at the Malaviya Regional Engineering College, Jaipur and other 4 Regional Engineering Colleges in the country, the M.B.M. Engineering College, Jodhpur (Faculty of Engineering University of Jodhpur), Engineering College, Kota and College of Technology & Agricultural Engg., Udaipur. The aforesaid procedure was contained in the centralised admission circular. In the aforesaid circular, amongst other things, it was provided (in para 5, 2-4) that those who do not take and pass the subjects of Physics, Chemistry (including practicals) & Mathematics at one & the same examination are not eligible for seeking admission and that marks obtained in these subjects at one and the same attempt will alone be considered. The said circular contained various other conditions which were at variance with provision contained in Ordinances Nos. 39 to 41 of the University. In order to bring Ordinances Nos. 39 to 41 in consonance with the conditions laid down in the centralised admission circular, Ordinances Nos. 39, 39B, 39(C) , 39(F), 40 and 41 were amended and on June 29, 1982, the Registrar of the University issued a notification whereby it was notified that consequent on the Chancellor's assent

to the amended Ordinances Nos.39, 39B, 39(C), 39(F), 40 and 41, the Faculty of Engineering, M.B.M Engineering College, University of Jodhpur, Jodhpur here by joins with immediate effect the common centralised admission procedure for admission into the First Year B.E. of the Five Year Intergrated Course.

4. The respondent in each of these appeals has passed the Higher Secondary Examination of the Board of Secondary Education, Rajasthan (hereinafter referred to as "the Board of Secondary Education") as a regular candidate. In accordance with Regulation 22 of the Regulations framed by the Board of secondary Education, all these respondents had again appeared at the Higher Secondary Examination conducted by the Board of Secondary Education in the year 1982 in certain subjects only with a view to improve their percentage of marks in those subjects. As a result of the condition laid down in para 5.2-4 of the centralised admission circular as well as Ordinance 39B (as amended), the higher marks obtained by the respondents in the subjects in which they had reappeared at the examination of the Board of Secondary Education held in the year 1982 could not be taken into consideration for the purpose of preparation of the merit list for selection. The said respondents, therefore, filed writ petitions before this Court wherein they challenged the validity of the amendments introduced in Ordinances 39 to 41 of the University as well as the notification dated June 29, 1982 issued by the Registrar. The said writ petitions have been allowed by the learned single Judge by his judgment and order aforesaid. Hence these appeals.

5. At the outset, it may be observed that in the writ petitions, the State of Rajasthan, the University, and the Chancellor of the University had been impleaded as respondents. These appeals have been filed on behalf of the University and the Vice Chancellor of the University. The Chancellor of the University as well as the State of Rajasthan have neither filed any appeal nor have they been impleaded as respondents in these appeals. An objection has been raised by Shri J.P. Joshi, the learned Counsel for the respondent in some of the appeals, that the Chancellor of the University as well as the State of Rajasthan were necessary parties and on account of their non-joinder as parties in these appeals, the appeals are liable to be dismissed. In our view, there is no substance in the aforesaid objection raised by Shri Joshi. In so far as the State of Rajasthan is concerned, it may be observed that no action of the State was under challenge in the writ petitions and no relief was claimed against it. Nor any order has been passed against the State by the learned single Judge. The State of Rajasthan cannot, therefore, be said to be a necessary party whose non-joinder is fatal to the maintainability of the appeals. In so far as the Chancellor of the University is concerned, it may be pointed out that in Section 3 of the Act, it has been laid down that the Chancellor, the First Vice Chancellor of the University and the first members of the Senate, Syndicate and Academic Council and all persons who may hereafter become such officers members, are so long as they continue to be such officers or members, hereby constituted a body corporate by the name of "THE UNIVERSITY OF JODHPUR" in other words, the Chancellor of

the University is a part of the University. These appeals which have been filed by the University can also be said to have been filed on behalf of the Chancellor. In our view, it was not necessary to implead the Chancellor separately as a party in the appeals and the non-joinder of the Chancellor as a party in the appeals is, therefore, of no consequence.

6. The principal question which arises for consideration in these appeals is as to whether the amendments that have been made in Ordinances Nos. 39 to 41 of the University, have been made in accordance with the provisions contained in Section 24 of the Act. Section 24 of the Act prescribes the manner in which the Ordinances can be made and it reads as under:

24.(1) Ordinances shall be made by the Syndicate, but no such Ordinances shall take effect until it has been approved by the Chancellor after considering the views of the Senate;

Provided that no Ordinance concerning admission to the University or to its examinations, courses of study, schemes of examination, attendance and appointment of examiners shall be considered unless a draft of such Ordinance has been proposed by the Academic Council.

(2) The Syndicate shall not have power to amend any draft proposed by the Academic Council under the provisions of Sub-section (1), but may reject it or return it to the Academic Council for reconsideration, either in whole or in part together with any amendments which the Syndicate may suggest:

Provided that no Ordinance affecting the income or expenditure of the University shall be made, amended, repealed or added to, unless prior consent in writing of the State Government to the draft of such Ordinance has been obtained.

(3) All Ordinances made by the Syndicate shall be submitted to the Senate, and shall be considered by the Senate at its next meeting. The Senate shall have power, by a resolution passed by a majority of not less than two-third of the members voting, to cancel any Ordinance made by the Syndicate and such Ordinance shall from the date of such resolution be void.

A perusal of the aforesaid Section would show that an Ordinance is to be made by the Syndicate and it has to be considered by the Senate and it takes effect only after it has been approved by the Chancellor after considering the views of the Senate. In respect of an Ordinance concerning admission to the University or to its examinations courses of study, schemes of examination, attendance and appointment of examiners, it is further laid down that the draft of such Ordinance must be proposed by the Academic Council and such an Ordinance cannot be considered unless the draft of such Ordinance has been proposed by the Academic Council. It is further laid down that the Syndicate has no power to amend any draft proposed by the Academic Council but it may reject it or return it to the Academic Council for reconsideration either in whole or in part together with any amendments which the Syndicate may suggest.

7. In the present case there is a controversy between the parties on the question whether the draft of the impugned amendments to Ordinances Nos. 39 to 41 had been proposed by the Academic Council before the Syndicate considered the aforesaid amendments. It is, therefore, necessary to take note of the relevant facts in that regard.

8. By his letter dated March 6, 1982, the Dean of the Faculty of Engineering of the University, sent the admission circular for the year 1982-83 for the First Year B.E. and Third Year B.E. students to the Admission Board of the University. The said admission circular was considered by the Admission Board at its meeting held on May 24, 1982 and the Admission Board passed a resolution (Resolution No. 9) in the following terms:

Considered the Admission Circular for the Session 82-83 for First BE and III BE students, sent by the Dean, Faculty of Engineering, under his D O. Letter No. 17485 dated 6th March, 1982.

(Ref. Item No. 8 of the Agenda).

The Admission Board is of the view that wherever changes are needed in the existing 0.39 the same be incorporated in the new revised Ordinance and the recommendations of the Vice-Chancellor Coordination Committee for formulating unified common admission policy for 1982-83 for three Universities and also policy for Pre-Engineering Test (P.E.T.) for 1982-83 are accepted in principle; but in the year 1982-83 the Admission Circular as suggested by the Dean, Faculty of Engineering, be approved and implemented.

Further, RESOLVED to approve regulations governing the admissions of Diploma Class Students to lit Year in Five Year Degree Course.

(Admission Circular as per Appendix "II")

Sd

Prof. Bhadada gave his note of dissent-Appendix-"II"

In a note of dissent, Professor Bhadada had observed that admission to the Engineering Course (B.E.) is governed by Ordinance 39 and that no Admission is legal if it is contrary to the provisions of Ordinance 39 and that unless the Ordinance was repealed and Government of Rajasthan or any other body was authorised to admit candidates, it would not be possible for any authority to admit students.

9. Thereafter the matter came up for consideration before the Academic Council at its meeting held on June 4, 1982. Para 70 of the minutes of the aforesaid meeting of the Academic Council, as originally prepared (Ex. R.2) read as under:

Considered the recommendations made by the Admission Board meeting held on 24-5-82 vide Res. No. 9 regarding admissions to I.B.E., III B.E. and M.E. Classes for the Session 1982-83.

(Ref. Item No. 5 of the Agenda).

Dr. S. Divakaran Dean, Faculty of Engineering, presented the salient features of the Admission Circular of I.B.E. for the Session 1982-83 along with the change incorporated in the current Admission Circular.

RESOLVED to accept the recommendations of the Admission Board dated 24-5-82 (vide Res No. 9) in respect of I.B.E. Admission Circular. The Admission Circular is as per App. "IX"

Further, RESOLVED that the admission to I.B.E Course be made through Pre-Engineering Test w.e.f. the Session 1983-84.

Shri H.S. Mahle and Dr. R.C. Bhatt gave a note of dissent as per Appendix-"X".

ALSO accepted the recommendations of the Admission Board regarding Admission Circulars for admission to Bachelor of Engineering Three Year Course (for Diploma Candidates) and Admission Circular for post-graduate degree and Master of Engineering

(Circulars as Appendices "XI")

The members observed that the following corrections be made in the Admission Circular.

On 1 page under Course of Study Sub-para 3(i) following specialisation be added at (f) which reads as under:

M.E. (Electronics and Communication Engineering) Technology of Devices and Communication system.

Shri H.S. Mahle and Dr. R.C. Bhatt gave the following note of dissent (Ex. P.6):

The admission circular proposed to be issued by the Dean, Faculty of Engineering vide item No. 5 of the agenda for the meeting of the Academic Council dated 3rd June 1982 flouts the provisions of the Ordinance 39 and hence is illegal. Unless the Ordinance 39 is properly amended by the various bodies as per the procedure laid down for such amendment, the admission circular issued by the Dean, Faculty of Engineering is in violation of the Ordinance 39.

We, therefore, dissent.

The meeting of the Syndicate was fixed on June 10, 1982.

10. A day prior to the said meeting, i.e. on June 9, 1982, Dr. S. Divakaran, Deen of the Faculty of Engineering of the University, who is also a member of the Syndicate, addressed a letter (Ex. R.3) to the Vice-Chancellor of the University, who is also a Chairman of the Syndicate. In the said letter Dr. Divakaran requested the Vice-Chancellor to put up the following resolution to give concrete shape to the decisions of the Academic Council's resolutions arrived at on June 4, 1982:

RESOLVED THAT THE ORDINANCES 39, 40 and 41 BE AMENDED AS SHOWN IN THE DETAILED ANNEXURE SO AS TO FACILITATE UNIFIED CENTRAL ADMISSIONS INTO I YEAR COURSE IN ENGINEERING.

In the said letter, Dr. Divakaran also stated that the decision taken on the aforesaid item had been incorrectly recorded by the office in recording the minutes of the Academic Council and that in point of fact the comparative statement of existing and revised ordinances was got ready by him on June 4, at the direction of the Academic Council and these were accepted by consensus by the Academic Council on 4th June, 1982. Along with the letter aforesaid Dr. Divakaran submitted annexure showing the existing as well as the proposed rules for admission for Engineering College, Jodhpur.

11. The Syndicate at its meeting held on June 10, 1982 passed the following resolution (Ex. R.4):

RESOLVED THAT THE RECOMMENDATIONS MADE BY THE ACADEMIC COUNCIL AT ITS MEETING HELD ON 3rd JUNE, 1982 AND 4th JUNE, 1982 BE APPROVED WITH THE FOLLOWING OBSERVATIONS:

3. REF RESOLUTION NO. 70:

THE FOLLOWING BE ADDED

RESOLVED THAT THE ORDINANCES NO 39, 39(B), 39(C), 39(F), 40 AND 41 BE AMENDED AS PER APPENDIX SO AS TO FACILITATE UNIFIED CENTRAL ADMISSIONS INTO FIRST YEAR OF 5-YEAR COURSE IN ENGINEERING.

Thereafter the matter went before the Senate and the Senate at its meeting held on June 24, 1982 passed the following resolution (Ex. P.3):

Considered the proposed amendments to Ordinance 39, Ordinance 40 and Ordinance 41 regarding admission rules for Engineering Faculty, University of Jodhpur.

After due deliberations a motion was moved (Proposed by S. Divakaran and seconded by Dr. R.C. Vyas). The motion reads as follows:

Resolved that the amendment to Order 39, Order 40 and Order 41 be assed as proposed.

This motion was put to vote. The seventeen votes were in favour of the motion and 4 against it. Hence the Senate RESOLVED that the amendment to Order 39, 40 and Order 41 be passed as proposed (See Appendix-III).

(Dr. D S Jha abstained.)

The amendments in Ordinances Nos. 39 to 41 as proposed by the Syndicate and approved by the Senate, were, thereafter, sent to the Chancellor of the University for his approval and the Chancellor gave his approval to the same on July 9, 1982. Thereafter, a notification was issued on September 4, 1982

whereby the amendments in Ordinances Nos. 39, 39B, 39(c), 39(f), 40 and 41 were promulgated with effect from July 9, 1982.

12. The next meeting of the Academic Council was held on July 28, 1982 One day prior to the aforesaid meeting, Dr. Divakaran, Dean of the Faculty of Engineering of the University, sent a letter dated July 27, 1982 to the Chairman of the Academic Council. In the said letter, Dr. Divakaran referred to the fact that he had protested against wrong recording of the minutes of the meeting of the Academic Council held on June 3 and 4, 1982 at the meeting of the Syndicate held on June 10, 1982 and that on the basis of his letter the Syndicate had considered the issue and has passed the amended Ordinances 39 etc. By his letter aforesaid, Dr. Divakaran requested that the record of the minutes of the Academic Council held on June 4, 1982 be corrected as per the corrections in para 70 of the aforesaid minutes suggested by him. The aforesaid letter of Dr. Divakaran was considered by the Academic Council at its meeting held on July 28, 1982 and the minutes (Ex. R.1/5) of the aforesaid meeting read as under:

The confirmation of the minutes of meeting of Academic Council held on 3rd and 4th June '82 was taken up The Vice Chancellor read out the letter No. JU/FE/AC/81-82 dated 27/7/82 of Dr. S. Divakaran, Dean, Faculty of Engineering and the member of the Academic Council (As per Appendix I). The said letter suggested corrections in regards to the Res. No. 70/82 of the Academic Council meeting held on 4th June, '82. The Vice-Chancellor rules that the members present on the date of the meeting may indicate the corrections of recording of the minutes of 4th June" 82 in respect of Resolution No 70/82 by way of a secret ballot. He explained that the members have to indicate "YES" in case they agree with the suggestion made by Dr. Divakaran in his letter dated 27th July '82, "NO" if they do not agree to the, suggestion of Dr. S. Divakaran. The matter was decided in favour of the correction suggested by Dr. S. Divakaran by 18 votes in favour and 4 against. Dr. R.C. Bhatt and Shri Mahle raised to submit that they withdraw the note of dissent given by them on 4th June '82. The House did not agree to their requests

The Resolution No. 70/82, therefore, will read as under:

Res. No. 70:

Considered the recommendations made by the Admission Board at its meeting held on 24-5-82 vide resolution No. 9 regarding admissions to IBE, III B.E. and M.E. classes for the session 1982-83 (Ref. Item No. 5 of the Agenda).

Dr. S. Divakaran, Dean, Faculty of Engineering presented the salient features of the admission circular for I year BE. for the session 1982-83 along with the existing ordinances 39 to 41 and the proposed amendments to them in view of the recommendations of the Admission Board and the Coordination Committee for formulating unified common admission policy to Engineering Course in the State.

Resolved to accept the recommendations of the Admission Board dated 24-5-1982 (vide Resolution No. 9) in respect of Admission in the Faculty of Engineering. The Centralised Admission circular as approved by the Admission Board dated 24-5-1982 for unified admission rules for Admission to I.B.E. courses in Faculty of Engineering to approved and recommended to the Syndicate for approval. Further resolved that the proposed amendments in the draft ordinances 39 to 41 as per appendix be approved and recommended to the Syndicate for approval for admission to I year B.E. courses.

Further, resolved that the admission to I year B.E. courses with effect from the session 1983-84 be made through Pre-Engineering Test accepted in principles.

Shri H.S. Mahle and Dr. R.C. Bhatt gave a note of dissent as per appendix (X).

ALSO accepted the recommendations of the Admission Board regarding Admission Circulars for admission to Bachelor of Engineering Three Year Course (for Diploma candidates) and Admission Circular for post-graduate degree and Master of Engineering.

(Circulars as Appendices "XI")

The members observed that the following corrections be made in the Admission Circular.

On 1 page under Course of study Sub-para 3 i) following specialisation be added at (f) which reads as under:

M.E. (Electronics and Communication Engineering)-Technology of Devices and Communication System.

Members also submitted their observations in respect of Resolution No. 53/82, 55/82, 59/62 and 61/82.

It may be observed that before the aforesaid meeting of the Academic Council was held on July 28, 1982, the writ petitions giving rise to these appeals had been filed before this Court and the University had also accepted notice in the writ petitions.

13. The learned single Judge, after taking into consideration the proceedings of the meeting of the Academic Council held on June 4, 1982, the meeting of the Syndicate held on June 10, 1982 as well as the letter dated June 9.1(sic).82 sent by Dr. Divakaran to the Vice Chancellor and the proceedings of the meeting of the Academic Council held on July 28, 1982, has held that there was no draft of the proposed amendments in Ordinances Nos. 39, 39B, 39(c), 39(f), 40, 41 before the Academic Council at its meeting held on June 4, 1982 and that the correction that was made in minutes relating to resolution no. 70 by the Academic Council 61 its meeting held on July 28. 1982 was made after the writ petitions had been filed in this Court for the purpose of persuading this Court to believe that in fact there was a draft of proposed amendments in Ordinances Nos. 39 to 41 before the Academic Council at its meeting held on June 4, 1982.

In order to arrive at the aforesaid conclusion, the learned single Judge has placed reliance on the note of dissent (Ex. P.6) given by two members of the Academic Council, namely, Shri H.S. Mahle and Dr. R.C. Bhatt. and has observed that if the draft of the proposed amendment's in Ordinances Nos. 39, 40 or 41 was really before the Academic Council and was considered and approved by it for being sent to the Syndicate for approval, the said two members would not have given the said note of dissent. The learned single Judge has also placed reliance on the resolution passed by the Syndicate at its meeting held on June 10, 1982 and has observed that if a draft of proposed amendments in Ordinances Nos. 39, 39B, 39(C), 39(F), 40 and 41 had been before the Academic Council at its meeting dated June 4, 1982, the Syndicate would not have made an addition to Resolution No. 70 passed by the Academic Council.

14. H.M. Parekh, the learned Counsel for the University, has challenged the aforesaid finding recorded by the learned single Judge and has submitted that on the basis of the record, the learned single Judge was not justified in recording the aforesaid finding. Shri Parekh has placed strong reliance on the letter (Ex. R.3) dated June 9, 1982 addressed by Dr. Divakaran to the Vice-Chancellor and has urged that in view of the fact that soon after the meeting of the Academic Council dated June 4, 1982, Dr. Divakaran had pointed out the error in the recording of the minutes of the meeting of the Academic Council held on June 4, 1982 and that at the next meeting of the Academic Council held on July 28, 1982, the members of the Academic Council who were present at the previous meeting of the Academic Council held on June 4, 1982, had accepted the version of Dr. Divakaran about the proceedings which had taken place at the meeting of the Academic Council held on June 4, 1982, it could not be said that the draft of the proposed amendment in Ordinances Nos. 39, 39B, 39(C), 39(F), 40 and 41 was not before the Academic Council at its meeting held on June 4, 1982. Shri Parekh has also contended that merely because writ petitions had been filed before the meeting of the Academic Council held on July 28, 1982, it could not be assumed that the members of the Academic Council would falsify themselves and accept the version of Dr. Divakaran about the proceedings of the meeting of the Academic Council held on June 4, 1982 even if the said version was not true. Shri J.P. Joshi, the learned Counsel for the respondent in some of these appeals has supported the finding recorded by the learned single Judge and has placed reliance on the note of dissent given by Shri Mahle and Dr. R.C. Bhatt. Shri Joshi has also pointed out that no reference has been made to the letter (Ex. R.3) of Dr. Divakaran by the Syndicate in its resolution dated June 10, 1982 & that there is nothing to show that the said letter of Dr. Divakaran was considered by the Syndicate at its meeting held on June 10, 1982.

15. It is well settled that fraud or dishonesty cannot be lightly inferred and that in the absence of adequate material such an inference cannot be drawn. In the present case, the original minutes of the meeting of the Academic Council held on June 4, 1982 did not contain any reference to the draft of the proposed amendments to Ordinances Nos. 39 to 41 having been considered by the

Academic Council. But soon after the aforesaid meeting of the Academic Council, Dr Divakaran, who was a member of the Academic Council and had attended the meeting of the Academic Council dated June 4, 1982, sent a letter dated June 9, 1982 to Vice Chancellor of the University. In the said letter, Dr. Divakaran has made as pecific reference to the fact that the decision taken on the item relating to the admission into First Year of the Five Year Degree Course in Engineering had been incorrectly recorded by the office in recording the minutes of the Academic Council and that in point of fact, the comparative statement of existing and revised Ordinances was got ready by him on June 4 at the direction of the Academic Council and these were accepted by consensus by the Academic Council on June 4, 1982. It is no doubt true that the resolution (Ex. R.4) that was passed by the Syndicate at its meeting held on June 10, 1982 does not make a specific reference to the aforesaid letter of Dr. Divakaran. But a perusal of the said letter of Dr. Divakaran and the resolution of the Syndicate shows that the Syndicate had before it the letter of Dr. Divakaran dated June 9, 1982 when it passed the resolution dated June 10, 1982. In his letter Dr Divakaran had requested the Vice-Chancellor to put up the following resolution before the Syndicate:

Resolved that the Ordinances 39, 40 and 41 be amended as shown in the detailed annexure so as to facilitate unified central admissions in I year Course in Engineering.

By the resolution dated June 10, 1982 the Syndicate resolved to add the following to Resolution No. 70 passed by the Academic Council on June 4, 1982:

Resolved that the Ordinances No. 39, 59(B), 39(C), 39(F), 40 and 41 be amended as per Appendix so as to facilitate unified central admissions into I year of 5 year course in Engineering.

16. Except for minor variations the resolution that was passed by the Syndicate was substantially in the same terms as suggested by Dr. Divakaran in his letter dated June 9, 1982. Along with his aforesaid letter Dr. Divakaran had sent a statement giving the original and revised Ordinances. The aforesaid statement was appended as Appendix to the resolution of the Syndicate. Moreover the fact that by the Resolution aforesaid the syndicate chose to mike an addition to Resolution No. 70 pished by the Academic Council on June 4, 1982 indicates that the Syndicate was proceeding on the basis that Resolution No. 70 passed by the Academic Council did not correctly reflect the deliberations of the Academic Council. In view of the circumstances aforesaid, we are of the opinion that the letter (Ex. R.3) of Dr. Divakaran was before the Syndicate when it passed the resolution dated June 10, 1982 and there is no reason to doubt the genuineness of the said letter or to assume that it was prepared subsequently It may be mentioned that during the course of arguments before us, Shri Joshi did not challenge the genuineness of the letter (Ex. R.3) dated June 9, 1982 addressed by Dr. Divakaran to the Vice-Chancellor.

17. The question which next arises for consideration is whether the version about the deliberations at the meeting of the Academic Council held on June 4, 1982, as given in the letter of Dr. Divakaran dated June 9, 1982 is the true version. In this regard it may be pointed out that the said letter was written by Dr. Divakaran within five days of the meeting of the Academic Council dated June 4, 1982. At that time there was no controversy with regard to the validity of the amendments in the Ordinances. There could be no reason for Dr. Divakaran to have made a false assertion about the proceedings at the meeting of the Academic Council held on June 4, 1982, at that stage. Moreover the version of Dr. Divakaran about the proceedings of the meeting of the Academic Council held on June 4, 1982 was considered at the meeting of the Academic Council held on July 28, 1982 in view of the letter dated July 27, 1982 addressed by Dr. Divakaran to the Chairman of the Academic Council. In the aforesaid letter Dr. Divakaran pointed out that he had previously protested against the wrong recording of the minutes of Academic Council meetings held on June 3 and 4, 1982, in the Syndicate meeting held on June 10, 1982. In the said letter Dr. Divakaran has also stated that on the basis of his letter, the Syndicate had considered the issue that had passed the amended Ordinances 39(sic) etc. Dr. Divakaran, in his letter aforesaid, requested that the record of the minutes of the Academic Council held on June 4, 1982 be corrected as suggested by him. The aforesaid objection of Dr. Divakaran to the recording of the minutes of the meeting of the Academic Council held on June 3 and 4, 1982 was considered by the members of the Academic Council who had attended the meetings of the Academic Council held on June 3 and 4, 1982 and who were present on July 28, 1982. The said members, by a majority of 18 to 4, agreed with the suggestion made by Dr. Divakaran and accepted the corrections as suggested by Dr. Divakaran. In other words, out of 2 members of the Academic Council, who had attended the meeting of the Academic Council held on June 4, 1982 and who were also present at the meeting of the Academic Council held on July 28, 1982, 18 members agreed with Dr. Divakaran that the minutes of the proceedings of the Academic Council held on June 4, 1982 had not been correctly recorded and had accepted the version about the said proceedings as given by Dr. Divakaran. In our view, the members of the Academic Council were the best persons to testify about the correctness or otherwise of the version given by Dr. Divakaran about the proceedings of the meeting of the Academic Council held on June 4, 1982. The minutes of the meeting of the Academic Council held on June 4, 1982, shows that the said meeting was attended by 27 members and out of them 24 members were present in the meeting of the Academic Council held on July 28, 1982. Since 18 out of the aforesaid members of the Academic Council have accepted the version given by Dr. Divakaran in his letters dated June 9, 1982, and July 27, 1982, there is no reason why this Court should not accept that the version given by Dr. Divakaran about the proceedings of the meeting of the Academic Council held on June (sic), 1982 as the correct version. We are unable to hold that merely because the writ petitions were pending the members of the Academic Council who are distinguished members of the teaching staff,

would falsify themselves and accept something which was not true.

17. In so far as the note of dissent (Ex. P.6) given by Shri Mahle and Dr. Bhatt is concerned, it may be observed that in the aforesaid note of dissent, Shri Mahle and Dr. Bhatt have raised an objection that the admission circular proposed to be issued, flouts the provisions of Ordinance 39 and was, therefore, illegal and that unless Ordinance 39 was properly amended by the various bodies as per the procedure laid down for such amendment, the admission circular issued by the Dean, Faculty of Engineering was in violation of Ordinance 39. The aforesaid note of dissent proceeds (sic) he basis that the admission circular could be issued only after Ordinance 39 had been amended in accordance with the procedure laid down for such amendment. What the dissenting members wanted was that Ordinance 39 should first be amended in accordance with the procedure laid down in Section 24 of the Act and the Admission Circular be issued only after Ordinance 39 has been duly amended u/s 24 of the Act as Ordinance can be amended by the Syndicate and the said amendment takes effect only after it has been considered by the Senate and has been approved by the Chancellor. The aforesaid note of dissent, in our opinion, is not inconsistent with the stand taken by Dr Divakaran that the proposed amendments to Ordinances Nos. 39 to 41 were placed before the Academic Council at its meeting held on June (sic), 1982 and had been approved by the Academic Council because the objection taken in the note of dissent would survive inspite of the Academic Council having approved the proposed amendment in Ordinances Nos. 39 to 41 in as much as the Ordinances would stand amended only after the Syndicate as well as the Senate had considered the proposed amendments and the Chancellor had given his approval to the same. The aforesaid note of dissent given by Shri Mahle and Dr. Bhatt does not, therefore, justify an inference that the assertion by Dr. Divakaran in his letter (Ex. R.3) dated June 9, 1982, which has been accepted by 18 out of 22 members of the Academic Council, who had attended the meeting of the Academic Council dated June 4, 1982, that the draft of the proposed amendments in Ordinances Nos. 39 to 41 was considered and accepted by the Academic Council at its meeting held on June 4, 1982. is false.

18. We are also unable to read the resolution passed by the Syndicate on June 10, 1982 to support the inference that the draft of the proposed amendments in Ordinances Nos. 39 to 41 was not before the Academic Council on June 4, 1982. The aforesaid resolution of the Syndicate whereby it sought to amend Resolution No. 70 passed by the Academic Council at its meeting held on June 4, 1982, on the other hand, indicates that the Syndicate accepted the version given by Dr. Divakaran in his letter dated June 9, 1982 about the proceedings which took place at the meeting of the Academic Council on June 4, 1982 and on that basis passed the aforesaid resolution whereby it sought to amend Resolution No. 70 passed by the Academic Council on June 4, 1982. For the reasons aforesaid, we are unable to agree with the learned single Judge that the draft of the proposed amendment in Ordinances Nos. 39B, 39C, 30F, 40 and 41 was not before the Academic Council at its meeting dated June 4, 1892 and that the said draft had

not been approved by the Academic Council at the said meeting and that the correction that has been made in the minutes of the aforesaid meeting of the Academic Council in the subsequent meeting of the Academic Council dated July 28, 1982 is an after thought. In our view, there is no reason to doubt the correctness of the version given by Dr. Divakaran about the proceedings of the meeting of the Academic Council held on June 4, 1982 in his letter dated June 9, 1982 addressed to the Vice-Chancellor and the letter dated July 11, 1982 addressed to the Chairman of the Academic Council and the said version must be accepted as correct and it must be held that the draft of the proposed amendments in Ordinances Nos. 39 to 41 were before the Academic Council on June 4, 1982 and the said amendments had been approved by the Academic Council at its meeting held on June 4, 1982.

19. Shri Joshi has, however, submitted that even if it be held that the draft of the proposed amendment to Ordinances Nos. 39, 39B, 39(C), 39(F), 40 and 41 was before the Academic Council at its meeting held on June 4, 1982, the amendments in the said Ordinances have not been made in accordance with the provisions of Section 24 of the Act in as much as the aforesaid draft had been forwarded by the Academic Council to the Syndicate and the Syndicate when it met on June 10, 1982 could not have accepted the draft of the proposed amendments that were submitted by Dr. Divakaran along with his letter dated June 9, 1982 as the draft which had been proposed by the Academic Council. According to Shri Joshi the course which ought to have been adopted by the Syndicate was to wait for the correction in the minutes of the meeting of the Academic Council held on June 4, 1982 in the light of the letter of Dr. Divakaran dated June 9, 1982 and it should have proceeded to discuss the proposed amendments in the Ordinances only after the said minutes had been corrected by the Academic Council. Shri Parekh has, on the other hand, submitted that in view of the fact that the Academic Council in its meeting held on July 28, 1982, has accepted as correct, the version of Dr. Divakaran as contained in his letter dated June 9, 1982 addressed to the Vice-Chancellor, the draft of the revised Ordinances, which was submitted by Dr. Divakaran along with his letter dated June 9, 1982 should be treated as a draft of the amendments as proposed by the Academic Council at its meeting held on June 4, 1982 and the Syndicate has not committed any illegality in approving the amendments proposed in the said draft.

20. We are unable to accept the aforesaid contention of Shri Parekh. The proviso to sub Section (1) of Section 24 of the Act requires that no Ordinance concerning admission to the University or to its examinations, courses of study, schemes of examination, attendance and appointment of examiners shall be considered unless a draft of such Ordinance has been proposed by the Academic Council. In other words, before the Syndicate proceeds to consider any amendment in an Ordinance concerning admission to the University or to its examinations, courses of study, schemes of examination, attendance and appointment of examiners, it must have a draft of such Ordinance as proposed by the Academic Council. The

reason underlying the aforesaid provision is that u/s 17 of the Act the Academic Council is the body which has been entrusted with the control and general supervision, as well as responsibility for the maintenance of standards of institution, education and examination within the University and before the Syndicate adopts any Ordinance touching the matters referred to in the proviso, it must have the considered views of the Academic Council before it.

21. In this context, reference may be made to the decision of the Division Bench of this Court in *Sucha Singh v. University of Rajasthan* ILR (XI) Raj. 768. In that case, this Court was dealing with the provisions contained in the Rajasthan University Act. Section 30 of the Rajasthan University Act contained provisions similar to those contained in Section 24 of the Act and this Court has laid down as under:

Thus the making of an Ordinance relating to admission to the University or to its examination must originate by a draft by the Academic Council and this draft is to be considered by the Syndicate. Unless there is any such draft before the Syndicate, the law has laid down that no Ordinance concerning the matters referred to in Section (sic)0 (1) shall be considered by it. The language of Sub-section (1) of Section 30 is very clear and emphatic. It is couched in the negative language. As a matter of interpretation there remains no doubt that the syndicate is bereft of the power to consider any matter relating to the admission to the University or to its examinations unless there is a draft by the Academic Council.

There is no dispute that on June 10, 1982 when the Syndicate met, it did not have the draft of the proposed amendment in Ordinances Nos. 39, 39B, 39(C) 39(F), 40 and 41 as proposed by the Academic Council before it. What it had before it was the letter of Dr. Divakaran dated June 9, 1982 wherein Dr. Divakaran had stated that the minutes of the meeting of the Academic Council held on June 4, 1982 had not been correctly recorded and that statement showing the existing and revised Ordinances, which he had appended to the letter aforesaid was before the Academic Council and the same had been approved by the Academic Council at its meeting held on June 4, 1982. Till June 10, 1982, there was no material before the Syndicate to show that the aforesaid version given in the letter of Dr Divakaran was the correct version. At the time, it could not be said that the draft of the proposed amendment which was appended by Dr. Divakaran to his letter dated June 9, 1982 was the draft as proposed by the Academic Council in its meeting held on June 4, 1982. It can, this be said that on June 10, 1982, the Syndicate did not have before it the draft of the proposed amendment in Ordinances Nos. 39, 39B, 39(c), 39(F), 40 and 41 as proposed by the Academic Council before it and the Syndicate proceeded to make recommendations for amendment of the aforesaid Ordinances on the basis of the aforesaid draft without the aforesaid draft having been proposed by the Academic Council. Shri Parekh has emphasised that in view of the corrections that have been made in the minutes of the meeting of the Academic Council held

on June 4, 1982 at the meeting of the Academic Council held on July 28, 1982, it must be held that the Academic Council had approved the draft of the proposed amendments which was submitted by Dr Divakaran along with letter dated June 9, 1982 before the Syndicate considered the said amendments and, therefore, the aforesaid draft was a draft of the amendments as proposed by the Academic council. In our view, the correction of the minutes of the proceedings of the Academic Council held on June 4, 1982 at the subsequent meeting of the Academic Council held on July 28, 1982 can only mean that on June 4, 1982, the Academic Council had before it the draft of the proposed amendments as prepared by Dr. Divakaran and that the Academic Council had accepted the said amendments. But in so far as the Syndicate is concerned, when it met on June 10, 1982, there was nothing to show that the version given by Dr. Divakaran in his letter dated June 9, 1982 about the proceedings of the meeting held on June 4, 1982 was the correct version and had been accepted as correct by the Academic Council and in the absence of correction of the minutes of the meeting dated June 4, 1982 by the Academic Council in pursuance of the aforesaid letter of Dr. Divakaran on June 10, 1982, it could not be said that the draft of the proposed amendments that was submitted by Dr. Divakaran along with his letter dated June 9, 1982 was the draft of the said amendments as proposed by the Academic Council at its meeting held on June 4, 1982. We are of the view that the Syndicate should have waited for the correction by the Academic Council of the minutes of the meeting held on June 4, 1982 and only after the aforesaid minutes had been corrected by the Academic Council could it assume that the Academic Council had proposed the amendments in Ordinances, Nos. 39, 39B, 39C 39(F), 40 & 41. The Syndicate failed to adopt this course. On the other hand, it proceeded to accept the version given by Dr. Divakaran in his letter dated June 9, 1982 and modified the Resolution No. 70 passed by the Academic Council at its meeting held on June 4, 1982 as recorded in the minutes. The resolution of the Syndicate modifying the resolution of the Academic Council indicates that the Syndicate was conscious of the requirement of the proviso to Sub-section (1) to Section 24 of the Act that the amendments in the Ordinances should be proposed by the Academic Council and the Syndicate sought to rectify the infirmity in the resolution passed by the Academic Council by amending the said resolution of the Academic Council so as to record that the Academic Council had proposed the amendments in Ordinances No. 39, 39B, 39C, 39(F), 40 and 41. In our opinion, the Syndicate was not competent to thus modify the resolution passed by the Academic Council. It was Academic Council alone which could modify its resolution or correct the minutes about the resolution passed by it at its meeting held on June 4, 1982. Before the connecting of the Syndicate held on June 10, 1982, the Academic Council had neither corrected the minutes relating to the meeting dated June 4, 1982, nor had it modified the resolution No. 70 passed by it at that meeting on June 10, 1982 the Syndicate could not act on the basis that the amendments mentioned in the annexure to the letter of Dr. Divakaran dated June 9, 1982 had been proposed by the Academic Council. It must, therefore, be concluded that the Syndicate at its meeting held on June 10,

1982 considered the proposed amendments in Ordinances Nos. 39, 39B, 39C, 39(f), 40 and 41 even though on that day, it could not be said that the said amendments had been proposed by the Academic Council and the course that was adopted by the Syndicate in approving the proposed amendments in the Ordinances was in disregard of the provisions of the proviso to Sub-section(1) of Section 24 of the Act.

22. Shri Parekh next contended that even if it be held that the Syndicate did not have the draft of the amendments to Ordinances Nos. 39 to 41 as proposed by the Academic Council before it when it passed the resolution dated June 10, 1982, there is no infirmity in the amendments that have been introduced in Ordinances Nos. 39 to 41 in as much as the resolution passed by the Academic Council in its meeting held on June 4, 1982 shows that the Academic Council had approved the Admission circular which contains the changes which have been made in the Ordinances and since the admission circular, as approved by the Academic Council, was before the Syndicate, it must be held that the amendments in the Ordinances Nos. 39 to 41 have been made in accordance with the provisions of Section 24 of the Act. We are unable to agree. Merely because the Admission Circular prescribed conditions which were inconsistent with the Ordinances Nos. 39 to 41 and the said Admission Circular was approved by the Academic Council at its meeting held on June 4, 1982, it cannot be said that the conditions laid down in the Admission Circular, in so far as they were inconsistent with the existing Ordinances, had been proposed as amendments to the Ordinances by the Academic Council. Section 24 of the Act postulates that the Academic Council should propose the draft of the amendments in the Ordinances and the Syndicate may either accept the said draft or reject it or return it for reconsideration with any amendment which it may suggest. The Syndicate cannot itself amend the draft proposed by the Academic Council. This shows that great importance is attached to the requirement that the draft of the proposed Ordinances should be proposed by the Academic Council. It would be impermissible for the Syndicate to prepare a draft of the proposed Ordinances or amendments in the Ordinances out of an Admission Circular which contains conditions inconsistent with existing Ordinances and which has been approved by the Academic Council. Moreover if the resolution passed by the Academic Council in its meeting held on June 4, 1982 is perused, it will be noticed that in the said resolution the Academic Council had accepted the recommendations of the Admission Board dated May 24, 1982 in respect of First. B.E. Admission Circular. If reference is made to the resolution passed by the Admission Board dated May 24, 1982, it will be seen that the Admission Board was of the view that wherever changes are needed in the existing Ordinance 39, the same be incorporated in the new revised Ordinance. In other words, the resolution of the Admission Board postulates that necessary changes would be made in the Ordinances in the light of the Admission Circular and the said recommendations of the Admission Board were accepted by the Academic Council. The resolution of the Academic Council thus contemplated that Ordinances would be revised in the light of

Admission Circular and, therefore, on the basis of the Admission Circular itself, it cannot be said that the Academic Council had proposed amendments in the existing Ordinances to the extent the Admission Circular contained conditions inconsistent with the existing Ordinances and the said Ordinances have been validly amended by the Syndicate in the light of the Admission Circular.

23. Shri Parekh has lastly contended that even if the amendments in the Ordinances Nos. 39 to 41 are excluded from consideration, the respondents in these appeals were not eligible for consideration for admission to the First Year B.E. Course under the existing Ordinances. In this regard, Shri Parekh has placed reliance on Ordinance 39 which provided that no candidate who has passed the examination as private candidate shall be eligible for admission. Shri Parekh has submitted that the respondents in these appeals had appeared as private candidates in the various papers of the Higher Secondary Examination of the Board of Secondary Education in the year 1982 and that they were not entitled to have the marks obtained by them in the said examination being considered for the purpose of improving their percentage in the Higher Secondary Examination. According to Shri Parekh, the respondents could only seek admission on the basis of the marks obtained by them in Higher Secondary Examination, in which they had appeared as regular candidates. We find no force in the aforesaid contention. A perusal of Ordinances Nos. 39 and 39B, as they stood before the impugned amendments, shows that Ordinance 39 laid down the conditions for eligibility of the candidates for admission to the First Year Course of B.E. and Ordinance 39B prescribed the criteria for admission of students to the said course by prescribing that the admission could be made on the basis of merit to be determined on the basis of the marks obtained in the Higher Secondary Examination. The requirement in Ordinance 39 that no candidate who has passed the examination as private candidate shall be eligible for admission relates to eligibility only. The said requirement in Ordinance 39 does not relate to the assessment of the comparative merit of the candidates for the purpose of admission. In the present case, there is no dispute that all the respondents in these appeals had passed the Higher Secondary Examination as regular candidates and after passing the Higher Secondary Examination as regular candidates, they had appeared again in some of the subjects, as private candidates, with a view to improve their percentage in those subjects. Such a course was permissible under Regulation 22 in Chapter 16 of the Regulations framed by the Board of Secondary Education.

24. Para 1 of Regulation 22 lays down that after passing the Secondary or Higher Secondary Examination of the Board a student, in order to improve his division or the marks obtained by him, may be permitted to appear at the examination again as a regular or a private candidate. Para 2 of Regulation 22 deals with cases where a candidate appears in the whole examination and prescribes that if the candidate succeeds in improving his division or marks, he would be given the amended mark-sheet and certificate and the previous mark-sheet and certificate would be treated as cancelled and in case the candidate is not able to improve

the division or the marks, the subsequent examination would be treated as cancelled. Para 3 of Regulation 22 deals with the case of a student who wants to appear in one or more subjects only for the purpose of improving his marks in that subject or those subjects and provides that such a student would be given a separate mark-sheet for the subject or subjects in which he has appeared and that no alteration would be made in the previous certificate or mark-sheet. Para 4 of Regulation 22 prescribes that in respect of student who appears for the second time in science subjects as private students, the marks obtained by them in the practicals in the previous examination would be repeated for the purpose of preparing the result sheet. Para 5 of Regulation 22 deals with the case of a student who after having passed the Secondary or Higher Secondary Examination wants to improve his division by appearing again at the examination after changing the subjects or the Section he can be permitted to appear as a regular or private candidate and in the event of his passing in the subsequent examination, a separate certificate would be issued to him.

25. In the present case, the respondents took advantage of para 3 of Regulation 22 in as much as they appeared in some of the subjects of the Higher Secondary Examination with a view to improve their percentage in those subjects. Merely because the respondents, after passing Higher Secondary Examination as regular candidates, appeared again in some of the subjects as private candidates with a view to improve their percentage in those subjects under para 3 of Regulation 22, it cannot be said that the said respondents have passed the Higher Secondary Examination of the Board of Secondary Education as private candidates and for that reason were not eligible for admission to the I year B.E. Degree Course of the University. The respondents had passed the Higher Secondary Examination of the Board of Secondary Education as regular candidates and they had appeared again as private candidates in some of the subjects. This does not mean that they had passed the Higher Secondary Examination as private candidates. The said respondents cannot, therefore, be held to be ineligible for admission to the First Year B.E. Course of the University under Ordinance 39. Shri Parekh has placed reliance on para 4 of Regulation 22, which prescribes that in respect of students who appear again in science subjects as private Candidates, the marks obtained by them in the practical in previous examination, would be repeated for the purpose of preparing the result sheet. In our view, the aforesaid paragraph does not mean that a student who has passed the Higher Secondary Examination as a regular candidate and who has appeared again in the science subjects to improve his percentage in those subjects is to be treated as a candidate who has passed the Higher secondary Examination as a private candidate.

26. As to whether the marks obtained by the respondents in the subjects in which they had appeared subsequently as private candidates can be taken into consideration for the purpose of preparing the merit list, it may be observed that Ordinance 39B is the only Ordinance which makes provision for assessment of comparative merit of the candidates and there was nothing in the said

Ordinance, as it stood prior to the impugned amendments, to show that the marks obtained by a candidate at a subsequent examination in that subject cannot be taken into consideration. We are, therefore, of the opinion that Ordinances Nos. 39 and 39B, as they stood prior to the impugned amendments did not preclude the respondents taking the benefit of the improvement in the percentage of the marks obtained by them in the subjects in which they had appeared for the second time as private candidates and the respondents could claim that their merit for the purpose of admission may be assessed on the basis of the improvement in the marks obtained by them in the subsequent examination.

27. Shri Parekh has emphasised that admissions to the other Engineering Colleges in the State of Rajasthan affiliated to other Universities have been made on the basis of the conditions Laid down in the Centralised Admission Circular, i.e. without taking into account the marks obtained in the papers in which the candidates appeared for the second time as private candidate. Shri Parekh has also pointed out that the validity of the aforesaid condition in the Centralised Admission Circular has been upheld by a learned single Judge of this Court in S.B. Civil Writ Petition No. 1019 of 19(sic)2 decided on Aug. 2, 1982. In our view the aforesaid contention of Shri Parekh cannot be accepted. In so far as the Jodhpur University is concerned the admission to the I year B.E. degree course is regulated by the Ordinances framed by the University and no procedure for admission which is inconsistent with the Ordinances is permissible. In other Universities in the State of Rajasthan the position is different. Under the Act and statutes of these Universities the admissions to the I year B.E. degree course is not governed by the Ordinances and it is not necessary to amend the Ordinances for the purpose of changing the procedure for admission in these Universities. The fact that admissions to Engineering Colleges in other Universities have been made on the basis of the Centralised Admission Circular can be, therefore, of the relevance to the present case.

28. Having considered the submissions of Shri Parekh and Shri Joshi, we find ourselves in agreement with the finding recorded by the learned Single Judge that the amendments Ordinances Nos. 39, 39B, 39C, 39(F), 40 and 41 relating to the admission to the First Year B.E. Degree course of the University have not been made in accordance with the provisions of Section 24 of the Act. The order passed by the learned Single Judge allowing the writ petitions and quashing the amendments made in Ordinances Nos. 39 to 41 and directing that the respondents are eligible for admission to the First Year B.E. Degree Course in the Faculty of Engineering and their applications for admissions to the said course must be entertained and considered on merits is, therefore, affirmed and the appeals are dismissed. There will be no order as to costs in these appeals.