

(2019) 08 RAJ CK 0112
In the Rajasthan High Court
Case No : Civil Writ Petition No. 13800 Of 2019

Tulsa Basant Chouhan

APPELLANT

Vs

University Of Rajasthan And Ors

RESPONDENT

Date of Decision : 20-08-2019

Acts Referred:

Constitution Of India, 1950 — Article 226

Citation : (2019) 08 RAJ CK 0112

Hon'ble Judges : Alok Sharma, J

Bench : Single Bench

Advocate : Yogesh Kumar Tailor, Dr. Y.C. Sharma

Final Decision : Dismissed

Judgement

This petition has been filed with a prayer for directions to respondents to admit the petitioner to the LLB (Three Years) course in the University of Rajasthan, Jaipur.

The facts of the case are that the petitioner claims to be a Khatik by caste, a Scheduled Caste. A caste certificate in this regard was purportedly issued by the SDM Karol Bagh, New Delhi to the petitioner. Possessing a degree in B.Com. from University of Delhi and M.Com. from Annamalai University, the eligibility to be admitted to the 3 year LLB course with the respondent University, the petitioner wrote the University Law Entrance Test, 2019 (ULET) for admission to the three year law course and obtained 66 marks out of 150. She was called for counselling on 7-8-2019 and as notified she was under an obligation inter alia to carry a current caste certificate issued on or after 5-8-2018 to avail a seat in the quota therefor. On verification of the petitioner's documents she has been denied admission on the ground that the caste certificate was not issued by a competent authority in the State of Rajasthan as required as SC reservation was available only for SCs in the State of Rajasthan not elsewhere and also was not subsequent to 5-8-2018 as notified to all candidates. Besides the caste certificate bore a different name than that of the petitioner. Aggrieved is the petitioner is

before this court in a petition under Article 226 of the Constitution of India.

The case of the petitioner is that earlier her name was Tulsawati, as appeared in her caste certificate, she however subsequently got her name changed to Tulsa Basant Chauhan. In this regard gazette notification was in fact published in local news paper on 8-6-2010. The caste certificate was issued by the SDM Karol Bagh, New Delhi on 27-7-2000 and is currently valid. It ought to have sufficed for her admission in the quota of scheduled caste in view of her merit in the quota. It has been stated that the petitioner's caste is Khatik, which caste is a scheduled caste all over India, and as such her caste certificate issued by the SDM Karol Bagh New Delhi was valid throughout the country. Yet the petitioner to assuage the respondent's fixation with a caste certificate issued in the State of Rajasthan on or after 5-8-2018, sought time to get it issued. However no such time was granted and she arbitrarily denied admission in the 3 year LLB course of the University on a false pretext. The arbitrariness entailed in the petitioner's rejection be rectified by the exercise of the Court's extraordinary equitable jurisdiction and at the minimum a week's time be allowed to obtain requisite caste certificate from an authority in Rajasthan to enable the petitioner be admitted on her merit as she is entitled.

Reply to petition has been filed. It has been stated that the caste certificate submitted by the petitioner bears her name as Tulsawati, while her other documents bear the name as Tulsa Basant Chauhan as does the application. Further her purported caste certificate was issued in the year 2000 in Delhi, whereas as per the condition notified by the respondent University to avail of a seat in the reserved category, the candidates had to submit their caste certificate from the competent authority in Rajasthan issued on or after 5-8-2018. The petitioner did not satisfy this pre notified requirement. Hence she was not admitted as she should not have been for the respondents are obliged to adhere to the conditions notified and no special treatment can be given to any, which the petitioner seeks without any basis.

Heard. Considered.

A perusal of the documents on record indicates that the petitioner's name is Tulsa Basant Chauhan, while her caste certificate is in the name of Tulsawati. On this fact alone without more, she could not be treated entitled to be admitted to the reserved quota for scheduled caste on such certificate. Besides the petitioner did not and still does not have a current certificate issued after 5-8-2018 by the authority in the State of Rajasthan, as was the notified requirement. According to the ULET-2019 notification the prospective students seeking admission in a reserved quota such as scheduled caste were required as per obtaining law to possess a caste certificate issued by a competent authority in the State of Rajasthan on or after 5-8-2018. Such a caste certificate the petitioner did not admittedly have. The caste certificate of 27-7-2000, issued by the Delhi Government with a name different from that of the petition as also other documents could not suffice to render her eligible to be admitted in the quota as

Scheduled Caste of the State of Rajasthan.

There is no force in the petition. It is accordingly dismissed.