

(1980) 09 KAR CK 0038
In the Karnataka High Court
Case No : WP 16784 & 16785/80

V. Shyam Prasad

APPELLANT

Vs

State of Karnataka and Another

RESPONDENT

Date of Decision : 18-09-1980

Acts Referred:

Karnataka Rules for Admission in Engineering Colleges — Rule 3(2)

Citation : (1980) 2 KarLJ 386

Hon'ble Judges : M. Rama Jois, J

Judgement

1. In these two writ petitions, the only question that arises for consideration is whether the petitioners, who possess Diploma qualification in Mechanical Engineering in specialised branches awarded by the Department of Technical Education of the State Government, are eligible for admission to the I Semester B.E., in Mechanical Engineering (General) (part-time).

2. The first petitioner, Shyam Prasad, secured Diploma in Mechanical Engineering (Heat Power Technology) in April 1977. The second petitioner, Rama Prasad, secured Diploma in Mechanical Engineering (Automobiles) in April 1972. The State Government has framed rules prescribing the conditions of eligibility for admission to the said course which is obviously based on regulations framed by the University. The relevant portion of rule 3 (2) reads as follows:

"3. Eligibility:

xx xx (2) No person shall be eligible to apply for admission to a part-time course in any College unless:

xx xx (c) he is a holder of a diploma in the appropriate branch of Engineering granted by the Board of Technical Examinations in Karnataka or any other examination declared as equivalent thereto by the concerned University in Karnataka:

xx xx (e) he has, as on the date of inviting applications, not less than three years" professional experience in the branch of Engineering in which he holds a

diploma gained after passing the examination leading to such diploma:"

The petitioners submitted their applications seeking selection and admission for the I Semester B.E., in Mechanical Engineering (part-time) during the academic year 1980-81 to the second respondent-selection committee-appointed by the State Government. According to the petitioners, in addition to the Diploma qualification possessed by them, they had also three years professional experience, which is also another condition of eligibility. The petitioners were not selected for admission to the I Semester B.E., in Mechanical Engineering (Part-Time). Thus, students, who have secured lower marks than the petitioners were selected. Hence the petitioners have presented these writ petitions.

3. Sri G.R. Nataraj, learned High Court Government Pleader, appearing for the selection-committee submitted that according to rule 3 of the rules regulating selection, the petitioners are not eligible for selection to the I Semester B.E., in Mechanical Engineering (Part Time) as they do not possess the Diploma in the appropriate branch of Engineering. He pointed out that the petitioner in W.P. 16784 of 1980 possessed Diploma in the special subject of "Heat power technology" and the petitioner in W.P. 16785 of 1980 possessed Diploma in the special subject of "Automobile engineering" and, therefore, they were not eligible for selection. He submitted that in the opinion of the selection committee only candidates, who possessed Diploma in "Mechanical Engineering (general)" were eligible for selection and, therefore, the cases of the petitioners could not be considered for selection.

4. Learned counsel for the petitioners submitted that the Part-time B.E. Degree course to which they were seeking admission was B.E., Degree in Mechanical engineering and in the B.E., degree course there is no classification of Mechanical engineering as "general" and "special" and, therefore, every candidate, who possessed Diploma in Mechanical engineering either "general" or in any special subject, was eligible for selection. He pointed out that notwithstanding the fact that the petitioners had taken special subjects in the Diploma course, the fact remains that their qualification was Diploma in Mechanical engineering and, therefore, they were eligible for selection. He further submitted that on the question of condition of eligibility for admission to university course, the decision of the university is final and according to the university, candidates possessing Diploma in Mechanical engineering even in a special subjects are eligible for Part-Time Degree course. In support of this, an endorsement issued by Bangalore University in favour of the petitioner in W.P. 16784/80 (Ex-D) is produced.

5. From the diploma certificates of the petitioners produced as Exs. F and G, it is seen that the Diploma awarded to them is in Mechanical engineering though within the brackets the special subject which they studied in the diploma course, namely, Heat power technology and Automobiles, respectively is specified. Therefore it follows that the petitioners do possess the qualification of Diploma in Mechanical Engineering. The Part-time Degree Course to which they are seeking selection is B.E. Degree in Mechanical Engineering. Therefore, in the absence of

classification of B.E., Degree into Mechanical Engineering as "general" and "special", it stands to reason to hold that every candidate, who possessed Diploma in Mechanical Engineering, whether general" or in any special subject, is eligible, for admission. Further as rightly pointed out by the learned counsel for the petitioners, majority of the subjects for Diploma course in Mechanical Engineering "general" and special subjects are common, and it is only at the final stage, the candidates study special subjects. Therefore, in terms of the rules, the petitioners were eligible for admission to First Semester of B.E., Degree (Part-time) course in Mechanical Engineering. Apart from this, in my opinion, the eligibility certificate issued by the University is conclusive on the question of eligibility of the petitioners for admission to the Part-time B.E. Degree course. As held by this Court in *Anil Kumar v. State*, 17 LR 110, on the question of conditions of eligibility for admission of candidates to any university course, the decision of the university is final and conclusive and no other authority can question the decision of the university. In the present case, the endorsement issued by the university to the petitioner in W.P. No. 16784 of 1980 (Ex-D) reads as follows:

"With reference to the above, Mr. Shyam Prasad V who has passed the Dip. in Mech. Engg (H.R.T.) with register No. 13223 conducted by Dept. of Tech. Edn. Govt. of Karnataka is eligible for admission to I Semester of B.E., (Part-time) Degree of Bangalore University subject to the following conditions:

1. He should possess professional experience of 3 years after obtaining the Diploma in the concerned branch.
2. He should be employed in any factory or industrial concern on the date of admission to the course.
3. After admission, he has to study and pass additional subjects, if any, prescribed by the university.
4. He should fulfil other admission requirements, if any."

From the above certificate, it is clear that the petitioners, who are holding Diploma in Mechanical Engineering (Heat Power Technology) and (Automobiles) respectively, are eligible for admission to. I Semester B.E., (Part-time) Degree course subject to their possessing three years professional experience and other conditions specified. Therefore, in my opinion, the selection committee was wrong in not considering the cases of the petitioners for selection. Accordingly, I make the following order:

- (1) Rule made absolute.
- (2) A writ in the nature of mandamus is issued to the 2nd respondent-selection committee to consider the cases of the petitioners for admission to I Semester B.E. (Part-time) Degree course in Mechanical Engineering for the current academic year.

(3) No costs.

Sri G.R. Nataraj High Court Government Pleader is permitted to file memo of appearance within two weeks.