
(2011) 04 SHI CK 0049
In the High Court Of Himachal Pradesh
Case No : C.W.P. No. 2370 of 2011

Vaishali Pirta

APPELLANT

Vs

H.P. Board of School Education and Others

RESPONDENT

Date of Decision : 21-04-2011

Acts Referred:

Citation : AIR 2011 HP 50

Hon'ble Judges : Kurian Joseph, C.J;V.K. Ahuja, J

Bench : Division Bench

Judgement

Kurian Joseph, C.J.—Petitioner is aggrieved since she is not permitted to participate in the counseling for admission to JBT 2009-2011. Learned Counsel appearing for the second Respondent submits that the Petitioner is not eligible. We may refer to the short facts. The Petitioner is a candidate, who appeared in the 10+2 examination during March, 2010. When the results were announced, it came out that the Petitioner could not clear in Physics, which the Petitioner cleared in September and the Petitioner has 60% marks in 10+2 examination. However, the Petitioner is declared ineligible on the ground that the Petitioner has not qualified in the annual examination conducted in March, 2010.

2. Reference is invited to para 2.2 of the information brochure for the JBT Common Entrance Test-2010, which reads as follows:

The candidates who intend to appear in the forthcoming annual qualifying examination may also apply provisiona ly but such candidates shall have to submit the original certificates in support of their having secured the minimum qualifying marks as mentioned under 2.1 above at the time of Counseling.

3. Para 2.1 of the information brochure reads as follows:

The minimum essential educational qualifications for CET will be Senior Secondary School Certificate or Intermediate or 10+2 or its equivalent examination with at least 50% marks for non-graduates and 45% for graduates.

However, for the purpose of computing percentage of marks, the candidates with at least 49.5% and 44.5% in 10+2 or its equivalent examination for non-graduates and graduates respectively shall be eligible to apply and appear for the JBT CET 2009-2011.

4. The stand of the second Respondent is that the Petitioner having not qualified in the annual examination conducted in March, 2010, she is ineligible for admission. We are afraid, the same intention cannot be gathered from the provisions of the prospectus, as extracted above. What is required, as per the prospectus, is only that the candidates who intend to appear in the annual qualifying examination may apply, but those candidates will have to submit their original certificates in support of their having secured minimum qualifying marks at the time of counseling. At the time of counseling, the Petitioner produced the certificates, since she had passed the physics (compartment) in examination held in September, 2010. The Petitioner has 60% marks also. No doubt, the qualifying examination is of March, 2010, but what is prescribed is only that those candidates who appeared for that examination were eligible to apply and that they need production of the certificate regarding the qualifying marks only at the time of counseling. The Petitioner has admittedly appeared in the qualifying examination. That condition having been satisfied and the Petitioner having satisfied the requirement of 50% marks in 10+2 examination, the Petitioner cannot be said to be ineligible. In case the second Respondent intended otherwise, it should be so made clear in the prospectus to be issued in future. Therefore, the impugned order is quashed. There will be a direction to the Respondents to permit the Petitioner to participate in the next round of counseling.

5. With the above direction, the writ petition stands disposed of, so also the pending application(s), if any.