

(2008) 09 P&H CK 0132
In the Punjab And Haryana At Chandigarh

Varsha

APPELLANT

Vs

The Secretary, Board of School Education

RESPONDENT

Date of Decision : 11-09-2008

Acts Referred:

Citation : (2008) 152 PLR 528

Hon'ble Judges : Kanwaljit Singh Ahluwalia, J; Hemant Gupta, J

Bench : Division Bench

Judgement

Hemant Gupta, J.—Notice of motion.

2. Shri Sunil Nehra, AAG, Haryana, present in Court, accepts notice.

3. The State Council of Educational Research and Training, Gurgaon published an advertisement for admission to Diploma-in-Education. The admission to such course is based upon entrance examination. It is the case of the petitioner that though the petitioner was successful in the entrance test and was also eligible for admission to the course, but still the petitioner was not admitted to the Diploma-in-Education course for the reason that the petitioner has not obtained 36% marks in English in the graduation examination.

4. It is the case of the petitioner that he has graduated from Delhi University and have obtained 30 marks in the subject of English. As per the Rules of Delhi University, minimum marks required to pass the examination at the end of each year (Part I, II and III), shall be 30% in each subject and 36% in aggregate.

5. It is, thus, contended that the petitioner is graduate with English as one of the elective subjects.

6. The eligibility condition for admission to the Diploma-in-Education course in the Prospectus is as follows:

(i) Diploma-in-Education (D.Ed)

A candidate should have passed Graduation Examination with English as one of

the option/elective subject from any recognized University.

On the strength of the aforesaid condition of the Prospectus, it is contended that the petitioner is eligible for admission to the course and, thus, the action of the respondent in not granting admission to the petitioner is unjustified.

7. On behalf of the respondents, it is contended that it is for the State Government as to what qualification should be prescribed for such diploma course. Since the State Government has not prescribed any qualification, the State Government is supposed to adopt educational qualification on the pattern of the Universities in Haryana, established by the State Legislature. Minimum education qualification on the pattern of the Universities in Haryana i.e. Kurukshetra University and Maharishi Dayanand University, is 35% per year per subject and, therefore, the petitioner cannot be declared eligible for admission in the Diploma-in-Education course.

8. We have heard the learned Counsel for the parties. We do not find any merit in the stand of the respondents. As per the conditions in the Prospectus, a candidate is required to have passed the graduation examination with English as one of the subjects from any recognized University.

9. It is not disputed that the Delhi University is one of the recognized Universities and the petitioner has qualified in the subject of English. Therefore, the petitioner is eligible candidate for admission to Diploma-in-Education course.

10. The stand of the respondents that the qualifying marks as are prevailing in the Universities in Haryana are to be taken into consideration, is not tenable. Though the State Government could prescribe qualifications for admission, but once the qualification prescribed is passing of the graduation examination with English as one of the subjects, it was not open to the respondents to rely upon the pass percentage of marks prevailing in the Universities of the State of Haryana. The said pass percentage of marks is relevant only for the purposes of qualifying examination of the respective Universities for admission to Diploma-in-Education.

11. In the absence of any condition of any minimum marks required in a particular subject, it cannot be said that the petitioner is not eligible for admission in Diploma-in-Education course.

12. The learned State Counsel has pointed out that the counselling for the D.Ed. Course, has since been completed on 10.9.2008 and, therefore, the petitioner cannot be admitted against the Course.

13. In view of the above, we dispose of the present writ petition with the direction to the respondents that if any seat is available and the petitioner falls in merit, she shall be admitted to the D.Ed. Course.

14. A copy of the order be given Dasti under the signatures of Special Secretary to the Bench.