
(1996) 10 AHC CK 0044

In the Allahabad High Court

Case No : Civil Miscellaneous Writ Petition No. 33131 of 1996

Viday Nand Singh and Ors.

APPELLANT

Vs

Banaras Hindu University, Varanasi & Anr.

RESPONDENT

Date of Decision : 11-10-1996

Acts Referred:

Citation : (1996) 10 AHC CK 0044

Hon'ble Judges : S.P.Srivastava, J

Final Decision : Dismissed

Judgement

S.P. Srivastava, J.—Heard the learned counsel for the petitioners as well as learned counsel representing the respondents.

2. Perused the record.

3. The petitioners have prayed for a writ of mandamus requiring the respondents to grant them admission in M.Sc. Previous (Physics) Course 1996-97. The respondent University while entertaining the applications of the petitioners "or admission to the course of study in question had made it clear that the candidates appearing in the final year of the qualifying examination could appear in the entrance test but in case such a candidate fails to submit the proof of minimum eligibility requirement on or before 8th August, 1996 his claim for admission to the concerned Post Graduate courses shall not be considered.

4. It is not disputed by the petitioners that they did not satisfy the requisite minimum eligibility criteria on or before 8th of August, 1996 as the result of final year of the qualifying examination in which they had appeared from Purvanchal University had not been declared. A copy of the letter of the Controller of Examinations dated 23rd August, 1996 has been produced which indicates that the cutoff date which was initially 8th of August, 1996 as indicated in the above form supplied to the petitioners was extended upto 4th September, 1996. The Purvanchal University, however, did not declare the result of the final year of the qualifying examination in which the petitioners had appeared even by the

extended cutoff date. As a consequence, the petitioners have been denied admission on the ground that they did not possess the requisite minimum eligibility qualification by the cutoff date.

5. It may be noticed that its decision in the case of *Amit Kumar Srivastava and others v. Kashi Vidyapith, Varanasi and another*, 1996 ALJ 711, this Court had emphasized that a student who has not completed the prescribed course of study spread over a period specified in the relevant statutes or the ordinance should not be permitted to appear at the final examination as he cannot be deemed to be eligible for that if the legislative policy is that before appearing at the final examination the candidate must pursue the prescribed course of studies spread over for a certain period and that it is not permissible for the University to squeeze that period entirely ignoring the legislative intent and the purpose of spreading over of a particular course of studies for a particular period. A course of study which under the statute is required to be squeezed or reduced to lesser period by any administrative action contrary to the provision having statutory force and the explicit legislative intent in insisting upon pursuing of a course of study spread over a particular period.

6. In the present case the purpose of fixing the cutoff date for the purpose of admission clearly was to ensure that the prescribed period of studies for the M.Sc. Previous (Physics) Course 199697 is not adversely affected.

7. Considering the fact that the University authorities are required to ensure that an academic session is not delayed and taking into account that any further extension of the cut off date will result in unnecessarily delaying the academic session it is obvious that if it is permitted to be done in will be greatly prejudicial to the interest of the candidates who have already been granted admission and are pursuing the course of studies. In the circumstances, I do not find the present one to be a fit case for the intervention of the equity.

8. No justifiable ground has been made out for interference by this Court, at the instance of the petitioner as while exercising the extraordinary jurisdiction envisaged under Article 226 of the Constitution of India.

9. The writ petition is accordingly dismissed. Petition dismissed.