
(2014) 11 RAJ CK 0081
In the Rajasthan High Court
Case No : Civil Writ Petition No. 8423/2013

Vikas

APPELLANT

Vs

University of Rajasthan

RESPONDENT

Date of Decision : 10-11-2014

Acts Referred:

Citation : (2014) 11 RAJ CK 0081

Hon'ble Judges : Alok Sharma, J

Bench : Single Bench

Advocate : N.U. Qazi, Advocate for the Appellant; Prateek Sharma, Advocate for the Respondent

Judgement

Alok Sharma, J.—This petition challenges the order dated 4-5-2013 addressed by the Rajasthan University to the Principal Rajasthan Law College Chirawa, a college affiliated to Rajasthan University, stating that while scrutinising the examination forms of students of the aforesaid college, it transpired that the petitioner had passed his graduation from the institute of Advanced Studies in Education (a Deemed University) Sardarshar (Distance Mode) which was not a recognised course as per the Rajasthan University Equivalence list. And therefore was not entitled to be admitted to the Rajasthan University's three year LLB course and write any examination thereof.

2. The case of the petitioner is that the Institute of Advanced Studies in Education, Sardarshar (Distance Mode) is a deemed university and recognised by the University Grants Commission. He submitted that there was thus no question of recognition of the said course by the Rajasthan University and as such the mere fact that the petitioner had admittedly graduated from the Institute of Advanced Studies in Education, Sardarshar he was entitled to be admitted to the three year LLB course of Rajasthan University. It is further submitted that other students who had graduated from the same Institute of Advanced Studies in Education, Sardarshar had been allowed to take admission into the University's three year LLB course and as such the petitioner was being discriminated against

invidiously. Counsel submitted that the letter dated 4-5-2013 was thus liable to be set aside.

3. Mr. Prateek Sharma, appearing on behalf of University of Rajasthan has submitted that the recognition for the said Institute of Advanced Studies in Education, Sardarshar (Distance Mode) was valid only till 2005. For this purpose he has drawn attention of this court to the list of recognition circulated by the Distance Education Council on 16-8-2011. Therein it has been recorded that distance education programme of the Institute of Advanced Studies in Education, Sardarshar was recognised only till 2005. Counsel submitted that it is quite evident that petitioner's course was not recognised when he undertook it and as such he is not eligible for the admission into the first year LLB course of the University of Rajasthan which requires three years regular course for graduation. It has been further submitted that the University of Rajasthan alone determines the equivalence of courses for the purpose of admission into higher courses conducted by it. The petitioner's graduation from the Institute of Advanced Studies in Education, Sardarshar not being recognised by the University and not even by the Distance Education Council when the petitioner graduated 2007-2010, he was not eligible for admission into the three year LLB course conducted by the University of Rajasthan. It was submitted that the arguments of the petitioner's counsel based on alleged discrimination is a vacuous, as the name of students of the Institute of Advanced Studies in Education, Sardarshar allegedly admitted into three years LLB course have not been detailed in the petition filed. As the petitioner has not detailed the graduate students of the Institute of Advanced Studies in Education, Sardarshar allegedly admitted in the University's three year LLB course the submission of the petitioners counsel is of no avail. It was submitted that in any event the argument of equality is a positive and not a negative concept.

4. Heard learned counsel for the parties and perused the material available on record of the writ petition.

5. From the record it transpires that the petitioner was not at all a student of a regular three year course. He claims to have done his graduation by way of distance learning from the Institute at Sardarshar during years 2007 and 2010 when it was not even recognised by the Distance Education Council. From the list of approved universities for distance learning mode as on 16-8-2011, it transpires that the Institute of Advanced Studies in Education, Sardarshar was recognised only till 2005. The petitioner was not thus eligible or entitled to admission to the three year LLB course of the University of Rajasthan. Aside of aforesaid, the University of Rajasthan alone has a right to determine equivalence of various courses for admission. The three year graduation through distance learning from the Institute of Advanced Studies in Education, Sardarshar was not so recognised as equivalent to a three year regular course. The petitioner was not entitled to be admitted in three year LLB course.

6. I find no substance in the petitioners counsels argument based on the right of

equality with other students of the institute of Advanced Studies in Education, Sardarshar allegedly admitted to the University's three year LLB course as name of such students have not been detailed in the writ petition. Further as argued by learned counsel for respondent equality is positive and not a negative concept. The petitioner cannot make out a case for admission into three year LLB course after having graduated (distant learning) in 2010 from the Institute of Advanced Studies in Education, Sardarshar a deemed university only till 2005.

7. I find no force in the writ petition and the same stands dismissed.