

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.15821 of 2018
Date of decision: 6.7.2018

Mahaveer Singh and others

Petitioner

Versus

Kurukshetra University, Kurukshetra and another

Respondents

&

CWP No. 16114 of 2018

Lilu Ram and another

Petitioners

Versus

Kurukshetra University, Kurukshetra and another

Respondents.

Coram: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr.Jagbir Malik, Advocate
Mr.Sandeep Goyat, Advocates for the petitioners.

Mr. A.S. Virk, Advocate for the respondents.

सत्यमेव जयते

Rakesh Kumar Jain, J. (Oral)

This order shall dispose of two petitions bearing CWP No.15821 of 2018 (hereinafter to be referred as 'Ist petition') and CWP No.16114 of 2018 (for short 'second petition') as the issue involved in both the petitions is common. However, for the sake of convenience, the facts are being extracted from the first petition.

In first petition filed by 13 petitioners, petitioners No.5 and 8 are not pressing this petition.

Dismissed as not pressed qua petitioners No.5 and 8.

Petitioners No.1 to 4, 6, 7, 9 and 10 have passed their Bachelor of Education (for short `B. Ed.')

examination from Indira Gandhi National Open University (for short `IGNOU') and petitioners No.11 to 13 from the University of Kashmir, Srinagar. The petitioners took admission in B.Ed. Additional subject (Sanskrit) in the Colleges affiliated to Kurukshetra University, Kurukshetra (for short `the University'). All the petitioners are aggrieved by the order dated 28.5.2018 passed by the Deputy Registrar (Examination II) of the University by which the petitioners have been barred from taking examination on the ground that "your B.Ed is out of Haryana State. Refund fee of Form attached herewith".

Counsel for the petitioners has submitted that at the time when they had taken admission in B.Ed. Additional Subject were not apprised to either by the College or the University about it but when their return was sent to the University, they were informed that they can not take the examination of B.Ed. Additional Subject as they have passed their B.Ed. from University/College which is affiliated to a University outside the State of Haryana. It is also submitted that even last year also, the respondent University had allowed to take B.Ed. Additional Subject examination and in this regard, the petitioners have placed on record the details marks sheet of Additional subject of one Sanjay Kumar.

Learned counsel for the University has however, submitted that the impugned order has been passed in view of Ordinance pertaining to B.Ed. Examination called Ordinance-Bachelor of Education (B.Ed.) Examination in which Clause 16 clearly prohibits the B.Ed. Additional examination of students who have passed their B.Ed. from any other

University outside the State of Haryana. Clause 16 reads as follows:

“A candidate who has already passed B.Ed./B.Ed.(Special Education) from this University or any of the State University of Haryana may appear in any additional teaching subject of B.Ed. Examination subsequently except the subjects in which he/she has already passed the examination on submission of the prescribed examination form and payment of admission fee as prescribed by the university from time to time.

Provided that:-

- (i) in the case of a teaching subject, he must have already passed the degree examination in that subject;
- (ii) in addition to the Written Paper of the Teaching subject, the candidate shall undergo a practical test in the Teaching of the additional subject taken by him;
- (iii) Such candidates will be required to register themselves with any B.Ed. College of this University by paying a fee of Rs.200/- to the concerned College/Institution by 31st October of the respective session.

However, counsel appearing for the University has fairly stated that generally return submitted by the College for admission of the Students in B.Ed. Additional is processed at the time when the examination forms are processed. In this regard, counsel for the petitioners submits that there is no fault on their part for which they should be penalised if the University is not entertaining the students aspiring to do B.Ed. Additional subject, the Colleges should not give admissions and if the Colleges have given admissions to the students, then they should take examination also. It is further submitted that University cannot discriminate the persons viz-a viz the students, who have taken admission in the year 2017 and obtained a degree of additional subject.

I have heard learned counsel for the parties and after perusal of the record, am of the considered opinion that in this particular case, the petitioners are not at fault. The fault, if any, lies either with the College who had given admission to the petitioners or with the University who had not taken action against the College for giving admission to such students like the petitioners, who had been aspiring to obtain the degree of (B.Ed.) Additional subject de hors Clause 16 (supra) of the Ordinance. No doubt that ordinance specifically says that a candidate who has already passed B.Ed. from this University or any of the State University of Haryana may appear in additional teaching subject of B.Ed. Examination subsequently except the subjects in which he/she has already passed the examination on submission of the prescribed examination form and payment of admission fee as prescribed by the university from time to time. At the same time, it cannot be over looked that the petitioners have been kept in dark by not only the College while giving admission but also by the University by not making it public so that the petitioners would have been warned at the time when they had taken admission that they would not be able to obtain the degree because of the prohibition contained in Clause 16 of the Ordinance. Thus, in the peculiar facts and circumstances of this case the balance tilts in favour of the petitioners and therefore, the present petitions are hereby allowed and the petitioners are permitted to take the examination. They are permitted to take the examination of B.Ed. Additional subject of Sanskrit which is scheduled to be held on 12.7.2018 and the University is directed to issue roll numbers to them forthwith.

While parting, it is made clear that in case University feels that

the B.Ed. Additional subject students should not appear in B.Ed. Additional subjects, if they had not passed their B.Ed. from Kurukshetra University, Kurukshetra or any other University of the State of Haryana then it should ensure that the B.Ed. Colleges affiliated to the University do not give admission to such kind of students so that they may not rush to the Court at the eleventh hour for redressal of their grievance much less to take examinations under such stress. It is also made clear that in case any College affiliated to the State of Haryana would give admission to such students, who are not eligible to take B.Ed. Additional subject examination in view of Clause 16 of the Ordinance then University is directed to take strict action against the said College including action of their disaffiliation so that they should keep in mind that they are not working just for the sake of earning money but for imparting education.

A photocopy of this order be placed on the file of connected matter.

Copy of the order be given dasti to the counsel for the petitioners under the signatures of Bench Secretary.

July 6, 2018
Meenu

(Rakesh Kumar Jain)
Judge

Whether speaking / reasoned : Yes/No
Whether reportable : Yes/No