

(2001) 08 P&H CK 0154

High Court Of Punjab And Haryana At Chandigarh

Case No: Civil Writ Petition No. 3287 of 2000

Vimal Singh Rana

APPELLANT

Vs

State of Haryana

RESPONDENT

Date of Decision: Aug. 21, 2001

Acts Referred:

- Constitution of India, 1950 - Article 226, 227

Hon'ble Judges: R.L. Anand, J

Bench: Single Bench

Advocate: Mr. D.R. Sharma, for the Appellant; R.D. Sharma, AAG and Mr. S.S. Dinarpur, for the Respondent

Final Decision: Allowed

Judgement

R.L. Anand, J.

Shri Vimal Singh Rana petitioner has filed the present writ petition under Articles 226 and 227 of the Constitution of India praying for the issuance of a writ of certiorari quashing the letter dated 7th March, 2000 passed by respondent No. 5 cancelling the admission of the petitioner to the B.Tech. 2nd Year Course in pursuance to the said letter on the ground that the two years diploma passed by the petitioner is not equivalent to that of the diploma passed after 10+2 Examination. The petitioner has further made a prayer that writ in the nature of mandamus against the respondents to allow the petitioner to continue his IVth Semester study which was already been started from 1st February, 2000 be passed.

2. The case set up by the petitioner is that he has passed his Matriculation Examination in the year 1994, in the same year on the basis of his Matriculation Examination he got admission in Sant Longowal Institute of Engineering and Technology, Longowal, Punjab (hereinafter referred to as "SLIET"). On the basis of the Entrance Test the petitioner qualified the two years certificate course in the Auto and Farm Equipment Mechanic during the Session 1994-96 in 1st Division, SLIET in

an instrumentality of the Government of India. In the SLIET a certificate course of the two years after matric is treated an equivalent qualification to that of 10+2. In the year 1997 the petitioner got admission in two years Diploma Course in SLIET in the trade of Mechanical Engineering with specialisation in the Maintenance and Plant Engineering. The diploma was completed by the petitioner in August, 1998. Thereafter, the petitioner also completed one year certificate training in the Trade of Production Engineering during the year 1998-99. Thus, the case set up by the petitioner is that after matriculation, he is possessing two years certificate course from SLIET and this two years diploma is equivalent to the three years diploma of the Haryana Technical Board. Further the case set up by the petitioner is that in the year 1999, respondent No. A conducted an Entrance Test under lateral entry scheme for second year B.E./B.Tech degree courses. He was allowed to appear in the said test. He qualified the test. He was given the admission but later on vide letter dated 7th March, 2000 received from respondent No. 5, his admission was cancelled on the ground that the two years diploma passed after Matriculation is not equivalent to the diploma passed after 10+2 Examination. According to the petitioner, the action on the part of respondent No. 5 is illegal and null and void and, therefore, directions should be given to the respondent regularising his admission to the said course.

3. Notice of the writ petition was given to the respondents who filed the reply and denied the allegation. The defence of the respondent is two-fold: Firstly that the diploma of two years obtained by a candidate from a SLIET is not equivalent to three years diploma to the Haryana Board of Technical Education and, secondly, the educational qualifications of the petitioner i.e. matric cannot be held equivalent to 10+2 qualification for Haryana course.

1 have heard the learned counsel for the parties and with assistance, have gone through the record of this case.

4. The sole point for determination in this writ petition is whether the educational qualification possessed by the petitioner is equivalent to the educational qualification which have been prescribed for the said course. It is the common case of the parties that the petitioner is a matriculate and after doing his matriculation he did a diploma course from the SLIET. The conditions of eligibility for admission are "Candidate must have passed diploma course of a duration of three years (or more) in relevant discipline as per para C-2 from Haryana Board of Technical Education or its equivalent with at least 60% marks in aggregate."

5. The learned counsel for the petitioner has argued that reference was made by the Director of Technical Education Haryana to the Registrar, Kurukshetra University, Kurukshetra, where it was observed as follows:

"The Principal, N.C. College of Engineering, Israna (Panipat) has informed that the admission of Mr. Amit Bansal and Vimal Singh Rana has been declared invalid by

your office vide your letter No. Regs./R/F.ECI/2000/743 dated 27.2.2000 on the plea that "these students have passed two years diploma course whereas three years diploma course is required". In this connection, it is brought to your kind notice that Government of India, Ministry of Human Resource Development, Department of Education vide their notification No. 42 dated 8th March, 1995 (copy enclosed) has informed the certificate courses of the SLIET/recognised as equivalent to 10+2 qualification and diploma course as equivalent to the diploma awarded by various State Board of Technical Education in the appropriate fields for the purpose of recruitment to the posts and services under the Central Govt. Your attention is also invited to the State Govt. Education Department letter No. 2148-Edu. (4E)75/8784, dated 18.3.1975 (copy enclosed) clearly indicating that all Degrees/Diploma courses recognised by the Govt. of India will also be recognised by the State of Haryana.

You are, therefore, requested that keeping in view the above stated facts and admission of the affected, students may be regularised and they may be allowed to sit in the examination as per rules."

7. A reading of the above would show that the Director Technical Education clearly admitted that the education qualifications of Mr. Vimal Singh Rana are equivalent to the educational qualification of a candidate who has obtained a diploma course from the Haryana Board of Technical Education and further the qualification of Matric has also been equated to that of 10+2 Examination. Another argument of the learned counsel for the respondent is that the contents of the letter Annexure P-2 are only to be read to a limited extent. According to Mr. S.S. Dinarpur, this document nowhere talks about equivalent qualification, I am not in a position to subscribe to the argument raised by Mr. Dinarpur. I also do not subscribe to the argument of the learned counsel for the respondents that the Director of Technical Education Haryana had no right or jurisdiction to formulate an opinion about the equivalent qualifications. When the Director of the Government has himself admitted in this letter that two years diploma course obtained from the SLIET is equivalent to three years diploma course of State Board of Technical Education Haryana, it does not lie in the mouth of the respondents to say that the qualifications of the petitioner are not in accordance with the qualifications laid down in the prospectus.

8. I also derive support from the Notification dated 8th March, 1995 issued by the Government of India, Ministry of Human Resource Development (Department of Education) New Delhi, in which it has been decided that 12 Certificate Courses and 10 Diploma Courses mentioned in the said Notification awarded by the SLIET be considered valid for the purpose of recruitment to the posts and services under the Central Government. Also it has been observed in this Notification that "The Board further recommended that the above mentioned Certificates Courses of the SLIET may be recognised as equivalent to the 10+2 qualification and the Diploma Courses as equivalent to the Diploma awarded by the various State Boards of Technical Education in the appropriate fields for the purpose of recruitment to the posts and

services under the Central Government." The petitioner passed the certificate course in the Trade of Auto and Farm Equipments Mechanic and Diploma of Maintenance and Plant Engineering.

9. In these circumstances, I hold and declare that the petitioner was eligible to the said course and the respondent authorities could not cancel his admission on the plea that the educational qualifications of the petitioner are not up to the standard. Thus, I allow this petition and quash the letter dated 7th March, 2000 issued by respondent No. 5 cancelling the admission of the petitioner to the B.Tech. 2nd Year Course. I further give directions to the respondents to declare the result of the petitioner who has got the admission to the various semesters under the interim directions of this Court on receipt of a copy of this order. It is also made clear that in the event of the declaration of the result of the petitioner, if he fails in any subject, he shall have the right to reappear in accordance with rules of the University. There will be no order as to costs.

10. Petition allowed.