

(2001) 08 P&H CK 0195

High Court Of Punjab And Haryana At Chandigarh

Case No: Civil Writ Petition No. 3772 of 2000

Amit Kumar Bansal

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. Ravi Kapur, for the Appellant; Mr. Ravi Dutt Sharma, AAG and Mr. S.S. Dinarpur, for the Respondent

Final Decision: Allowed

Judgement

R.L. Anand, J.

Shri Amit Kumar Bansal petitioner has filed the present writ petition under Articles 226 and 227 of the Constitution of India against the respondents and he has prayed that the writ petition in the nature of certiorari be issued for quashing the letter No. P.2000/1468 dated 1st March, 2000 (copy An-nexure P-6) as the same is illegal, null and void, unconstitutional and against the provisions stipulated in the information brochure. The petitioner has further made a prayer that directions be issued to the respondents to regularise the admission of the petitioner to the B.Tech. IInd Year classes and further directions be given to the respondents to allow the petitioner to continue with his studies.

2. The case set up by the petitioner is that the Government of Haryana decided to admit Diploma Holders directly in Bachelor of Engineering/B.Tech. IInd Year (IIIrd Semester) under Lateral Entry Scheme. Earlier these admissions were made on the basis of the marks obtained in the Diploma Examination but for the academic Session 1999-2000, the admissions were made on the basis of Lateral Entrance Test (for short the LEET-1999) to be conducted in C.R. State College of Engineering,

Murthal (Sonepat) for various Government/Private Technical Institutes in the State of Haryana. The petitioner passed two years Diploma in Computer Programming from Sant Longowal Institute of Engineering and Technology (for short the SLIET) which was equivalent to the Diploma Course of duration of three years from Haryana Board of Technical Education. The petitioner as well as one Neelu who had also done her diploma from SLIET were not allowed to appear in the Entrance Test on the plea that the Diploma passed by them was less than the duration of three years. The petitioner and Miss Neelu represented to respondent No. 2 bringing this fact to his notice and respondent No. 2 who vide letter wrote to respondent No. 4 to allow such candidates to appear in the LEET-1999 to be conducted 8th August, 1999. Further, the case of the petitioner that on 18th October, he was given admission (provisional) in IIIrd Semester of Computer Science and Engineering in N.C. College of Engineering, Israna (Panipat) subject to the approval of the competent authority of Kurukshetra Uni-versity. Since 13th January, 2000, he has been Attending the classes regularly and appeared in the final examination of Illrd Semester started from 28.12.1999 to 13.01.2000. In spite of the fact that the petitioner had been attending the classes of IVth Semester onwards he was issued with a memo.

3. Notice of the writ petition was given to the respondents who filed the reply and denied the allegations. The short stand of the respondents is that the educational qualifications of the petitioner are not equivalent to the prescribed qualification. The diploma of two years obtained by the petitioner from SLIET is not equivalent to three years Diploma obtained by a candidate from the Haryana board of Technical Education. It is further the case of the respondents that the petitioner has not passed 10+2 Examination and, therefore, he is not eligible to the said course.

4. I have heard the learned counsel for the parties and with their assistance, have gone through the record of the case.

5. The short point for determination in this writ petition is whether the educational qualifications of the petitioner i.e. the Diploma of two years from SLIET is to be considered after Matric equivalent to Three Years Diploma after 10+2 obtained by a person from the Haryana Board of Technical Education. The learned counsel for the petitioner has referred to the document Annexure P-8 the Memo dated 9.3.2000 written by the Director, Technical Education Haryana to the Registrar. Kurukshetra University, Kurukshetra. The contents of the memo can be reproduced as follows :

"The Principal, N.C, College of Engineering Israna (Panipat) has informed that the admission of Mr. Amit Bansaj and Vimal Kumar Ranahas been declared invalid by your office vide your letter No. Regs./R/F/ECI/2000/743 dated 27.2.200 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

qualifi-cation 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."

6. A reading of the above contents of the memo would show that this letter has been written by the Director after taking into consideration the case of the present petitioner who was declared invalid for the said admission on the ground that the student had passed two years diploma course whereas three years diploma course is required. Finally the Director disagreeing with the University advised it that the admission of the affected students i.e. Shri Amit Bansal and Vimal Kumar Rana be regularised and they may be al- lowed to sit in the examination as per rules. When this aspect of the case was considered by the Director himself and who has examined the courses of both the institutions and then declared the petitioner fit for the said course, why the petitioner has been deprived of this course is not understandable. My attention has also been invited to Annexure P-9 a Notification issued by the Government of India dated 8th march, 1995 in which it has been observed "on the recommendations of the Board of Assessment for educational qualifications, the Govt. of India have decided to recognise the following 12 Certificates and 10 Diplomas awarded by Sant Longowal Institute of Engineering and Technology (SLIET) Longowal (Punjab) for the purposes of recruitment to posts and services under the Central Government with effect from the passing out of the first batch of students from the Institute". The petitioner passed the Certificate Course in "Data Entry Operators and Word Processing". He has also passed Diploma Course of "Computer Programming and Applications". My attention has also been invited to this very letter in which it has been observed as follows :

"The Board further recommended that the above mentioned Certificate 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."

7. This para quoted above is a complete answer to the objections of Mr. S.S. Dinarpur, meaning thereby that it is not necessary on behalf of the petitioner to have the minimum qualification of 10+2 after passing his Matriculation. It will be an enough compliance for the purpose of requisite qualifications for the 3rd Semester of the IInd Year of Bachelor of Engineering and B.Tech. As per the Prospectus, the qualifications required "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 on its equivalent with at least 60% marks in aggregate."

8. In the light of my above discussion, there is no hesitation to me to hold that the diploma possessed by the petitioner is equivalent to the three year diploma of a candidate who may have obtained it from the Haryana Board of Technical Education. The minimum educational qualifications of the petitioner are considered at par with the candidate having diploma of three years. There is no justification on the part of the respondent-authorities to deprive the petitioner from the admission.

In this view of the matter, I allow this petition, quash the impugned order Annexure P-6 and give directions to the respondents to regularise the admission of the petitioner to the 3rd Semester of Bachelor of Engineering (Computer Science and Engineering) of two years. It is stated at the bar by the learned counsel for the petitioner that under the interim directions of this Court the petitioner is undergoing his studies. I give directions to the respondents to declare the result of the petitioner forthwith on receipt of a copy of this order. It is also made clear that in the event of the declaration of result of the petitioner if he fails in any subject, he shall have the right to re-appear in accordance with rules of the University. There will be no order as to costs.

9. Petition allowed