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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 4155/2012 & CM.8633/2012

% ***Judgment Delivered on: 20.07.2012***

SHEGY MANN Petitioner

Through: Ms.Deepali Gupta, Advocate

versus

GURU GOBIND SINGH INDRAPRASTHA

UNIVERSITY AND ANR Respondent

Through: Mr.Mukul Talwar and Mr.S.Mohapatra,
Adv. for respondent no.1
Mr.Amitesh Kumar and Mr.S.Shekhar,
Advocates for respondent no.2

+ ***W.P.(C) 4156/2012 & CM.8635/2012***

PURTI BHATIA AND ANR Petitioner

Through: Ms.Deepali Gupta, Advocate

versus

GURU GOBIND SINGH INDRAPRASTHA

UNIVERSITY AND ANR Respondent

Through: Mr.Mukul Talwar and Mr.S.Mohapatra,
Adv. for respondent no.1
Mr.Amitesh Kumar and Mr.S.Shekhar,
Advocates for respondent no.2

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

G.S.SISTANI, J (ORAL)

W.P.(C) 4155/2012 & CM.8633/2012

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1. Issue notice to show cause as to why the petition be not admitted. Mr.Mukul Talwar, Advocate accepts notice on behalf of respondent no.1 and Mr.Amitesh Kumar, Advocate accepts notice on behalf of respondent no.2.
2. Rule. With the consent of counsel for the parties, present petitions are set down for final hearing and disposal. Both the petitions were heard together, hence are being disposed of by this common order. As per the writ petitions that the petitioners are meritorious students, who have appeared for the CET (M.Ed) examination, which was conducted by the respondent no.1 on 19.05.2012. Ms.Purti Bhatia was placed at rank 2, Ms.Priya Sharma was placed at rank 10 and Ms.Shegy Mann was placed at rank 27. All the three petitioners, namely, Ms.Purti Bhatia, Ms.Priya Sharma and Ms.Shegy Mann were called for counselling, however, admissions were declined to them, as they did not fulfil the eligibility criteria.
3. The respondent no.1, Guru Gobind Singh Indraprastha University, Delhi (hereinafter referred to 'GGSIPU') has been established by the Government of NCT of Delhi as a teaching and affiliating University. The GGSIPU offers large number of undergraduate and Post Graduate academic programmes. One of such programmes is M.Ed. (Master of Education) of one year duration in the field of education. The admission to M.Ed. is through merit in the common admission test as conducted by the university every year. The M.Ed. programme was started by GGSIPU in the year 2008 and students having passed a degree course in education i.e. B.Ed. or its equivalent B.el.ed. with 60% marks are considered

eligible for admission. The GGSIPU has been giving admission to such of those students with the eligibility criterion of a graduate degree in education with 60% marks and as per merit in the common admission test conducted by it every year.

4. Counsel also submits that as per the 'Norms and Standards for Master of Education Programme (M.Ed.) of the NCTE the Master of Education(M.Ed.) programme, which may be general or specialized, is meant for candidates desirous of pursuing post-graduate programme in teacher education, on full-time basis, and for preparing a professional cadre of teacher educators. The petitioners have passed B.el.ed. degree course from Delhi University. The B.el.ed (Bachelor of Elementary Education) is a four years integrated Bachelors level course designed in order to incorporate subject knowledge as well as instructive knowledge in aspiring teachers. Selection to this programme is made on the basis of merit secured in the entrance examination. A B.el.ed graduate can opt for a professional teaching career or pursue further studies at post graduate level. i.e. M.ed.
5. Counsel for the petitioners also submits that B.el.ed. are both Degree level courses and considered equivalent for eligibility for admission to postgraduate degree programme of Masters in Education for candidates desirous of higher studies in education or for becoming teacher educators. The said courses are considered equivalent by all universities.
6. Ms.Gupta, counsel appearing for the petitioners submits that the petitioners were confident of getting admission in the said programmed as all of them had secured high merit in the CET (M.ed) 2012. The petitioners went for the counselling with all relevant documents and the requisite fee which was to be paid by way of demand drafts, on the scheduled date. The petitioners were surprised when respondent No.1

refused to consider them for admission on the ground that the petitioners were ineligible as they had passed B.el.ed degree course and not the B.ed. degree course at the graduate level. She further contends that since the very start of the M.ed programme in respondent No.1 since 2008, the eligibility criteria has remained the same and candidates with the degree of B.ed or B.el.ed were considered eligible for admission. It is submitted that even during the last year some candidates known to the petitioners, namely, Ms.Akansha Tyagi, Ms.Swati Pathak, Mr.Neeraj having the qualifying degree of B.el.ed were given admission based on the merit of common admission test and have successfully completed the said programme.

7. It is submitted that B.el.ed degree is recognised by Indira Gandhi National Open University (IGNOU) and other universities. It is further submitted that being aggrieved by the arbitrary and unjustified action of the respondent No.1, the petitioners made a representation to the Vice-Chancellor. However, no positive action has been taken in this respect.
8. Ms.Gupta further submits that the students securing a lower merit rank than the petitioners in the common admission test for M.ed. programme have been shortlisted. However, the petitioners have been denied admission.
9. It is also the case of the petitioners that the admission procedure prescribed in the prospectus has not been followed by the respondent No.1. It is further contended that B.el.ed and B.ed. are both graduate level course in education and considered equivalent to each other and are also considered as to be the eligibility criterion for pursuing higher studies in the field of education by all universities recognised by The National Council of Teacher Education.
10. The petitioners pray that the selection procedure for admission to M.ed

programme for the session 2012-2013 be held as arbitrary, discriminatory, irrational and unjustified and a direction be issued to respondent No.1 to grant admission to the petitioners.

11. Mr.Mukul Talwar, learned counsel for the respondent No.1 (GGSIPU) and Mr.Amitesh Kumar, counsel for respondent No.2 have opposed the present petitions on the ground that the petitioners cannot be granted admission as they have been failed to fulfil the eligibility criteria, which has been laid down.
12. Mr.Mukul Talwar, counsel for the respondent No.1 submits that the terms of the prospectus laying down the eligibility criteria are crystal clear that only a Graduate/ Post Graduate in any discipline from a recognized University along with qualifying B.Ed. examination with 60% both in theory and practical separately would be considered for admission for Master of Education “M.Ed”.
13. A careful reading of the eligibility criteria would show that the respondents have not provided for any equivalent qualification for admission in the M.ed programme.
14. Mr.Talwar, counsel for respondent no.1 submits that it is incorrect to suggest the B.el.ed course is equivalent to the B.Ed. course and thus, the petitioners are eligible to be considered for admission to the M.Ed. course. It is submitted that based on the representation of the petitioners, a committee was constituted to examine the eligibility criteria for M.Ed. programme. The Committee consisted of Professor H.C. Rai (Director, Academic Affairs); Professor M.C. Sharma (IGNOU); Professor Anup Beniwal, (Deen, USHSS); Professor Saroj Sharma, Dean USE; and Col. P.K. Upmanyu, JR (Academics). The meeting was held on 29.06.2012 at 2:30. The minutes of the Meeting read as under:

“Minutes of Meeting to Examine the Eligibility Criteria

for M.Ed. Programme.

A meeting was held on June 29th, 2012 at 2:30 p.m. in the office of the Director, Academic Affairs, to examine the eligibility criteria for Admission in M.Ed. Programme.

- (1) Professor H.C. Rai (Director, Academic Affairs).
- (2) Professor M.C. Sharma (IGNOU).
- (3) Professor Anup Beniwal, (Deen, USHSS).
- (4) Professor Saroj Sharma, Dean USE.
- (5) Col. P.K. Upmanyu, JR (Academics).

After deliberations on various issues related to admission in M.Ed. programme it was decided that the eligibility will be based strictly on the criteria mentioned in the Admission Brochure which is prepared as per NCTE Norms, the Regulatory Body of the Teacher Education.

The meeting ended with the vote of thanks to the chair.”

- 15. Counsel for the respondent no.1 further submits that respondent is guided by the NCTE regulations, which laid down the minimum eligibility for admission to the M.Ed. Course.
- 16. I have heard counsel for the parties and given my thoughtful consideration to the matters. The argument of counsel for the petitioners that respondents have failed to comply with the eligibility criteria, as per the admission brochure, is incorrect. The eligibility criteria as mentioned in the admission prospectus reads as under:

“120. Master of Education (M.Ed.)	A Graduate / Post Graduate in any discipline from a recognized University along with qualifying B.Ed. examination with 60% both in theory and practical separately.
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17. As far as submission made by the counsel for the petitioners that in the last year, students with B.el.ed course were granted admission is concerned, Mr.Talwar, counsel for the respondent No.1 submits that an enquiry has been instituted and even otherwise in case admissions have been granted, the same were granted inadvertently and the petitioners cannot reap benefit if any wrong has been committed in the past.
18. There is force in the submissions made by Mr.Talwar as even in the prospectus of the previous years, the respondents have laid down the eligibility criteria which does not either consider B.el.ed equivalent to B.ed nor it is part of the eligibility criteria. Merely because there had been a mistake in the admission in the previous year, it does not mean that the respondents can be directed to commit the same mistake in the subsequent years as well.
19. Accordingly, it cannot be said that the respondents have acted in an arbitrary or in an unjustified manner in declining the admissions to the petitioners herein. There is also no substance in the submission made by counsel for the petitioners that B.el.ed course and B.Ed. course are equivalent to each other. In view of the fact that based on the representation of the petitioner, a committee was formed by respondent no.1 to go into the question of eligibility and the committee has given its finding, as per which the eligibility would be strictly based on the criteria mentioned in the admission brochure, which is prepared as per the NCTE norms, the regulatory body of the Teacher Education. Moreover, the question with regard to the equivalence of both the courses cannot be considered by this court, as this question is left best to the judgment of the NCTE and the professors, who were part of the Committee formed

primarily with the object to examine the eligibility criteria for admission to M.Ed. course. The said decision of the Committee cannot be questioned and this court cannot substitute the reasoning of the Committee as it is settled proposition of law that the process of achieving the object of selecting candidates for specialised courses are technical matters in the academic field and courts will not interfere with the set procedure and process.

20. It would be useful to refer to a decision of the Supreme Court in the case of **Guru Nanak Dev University Vs. Sanjay Kumar Katwal** (2009) 1 SCC 610, relevant portion of which reads as under:

“15. Equivalence is a technical academic matter. It cannot be implied or assumed. Any decision of the academic body of the university relating to equivalence should be by a specific order or resolution, duly published. The first respondent has not been able to produce any document to show that appellant university has recognized the M.A. English (OUS) of Annamalai University through distance education as equivalent to M.A. of appellant university. Thus it has to be held that first respondent does not fulfil the eligibility criterion of the appellant university for admission to three year law course.

16. The first respondent made a faint attempt to contend that the distance education system includes 'correspondence courses' and therefore recognition of M.A. (correspondence course) as equivalent to M.A. course of appellant University, would amount to recognition of M.A. - OUS (distance education) course, as an equivalent. For this purpose, he relied upon the definition of "distance education system" in Section 2(e) of Indira Gandhi National Open University Act, 1985. But there is nothing to show that Annamalai University has treated correspondence course and OUS (distance education) course as the same. What is more important is that the appellant university does not wish to treat correspondence course and Distance Education Course as

being the same. That is a matter of policy. Courts will not interfere with the said policy relating to an academic matter.”

21. It would also be useful to refer to a decision in **Sanchit Bansal Vs. Joint Admission Board** (2012) 1 SCC 157 and more particularly paragraph 39, which reads as under:

“39. The procedure adopted in JEE 2006 may not be the best of procedures, nor as sound and effective as the present procedures. In fact the action taken by the appellants in challenging the procedure for JEE 2006, their attempts to bring in transparency in the procedure by various RTI applications, and the debate generated by the several views of experts during the course of the writ proceedings, have helped in making the merit ranking process more transparent and accurate. IITs and the candidates who now participate in the examinations must, to a certain extent, thank the appellants for their effort in bringing such transparency and accuracy in the ranking procedure. But there is no ground for that Courts to interfere with the procedure, even if it was not accurate or efficient, in the absence of malafides or arbitrariness or violation of law. It is true that if in JEE 2006, a different or better process had been adopted, or the process now in vogue had been adopted, the results would have been different and the first appellant might have obtained a seat. But on that ground it is not possible to impute malafides or arbitrariness, or grant any relief to the first appellant. Therefore, the appellant will have to be satisfied in being one of the many unsung heroes who helped in improving the system.”

22. The argument raised by counsel for the petitioners that in the past the respondent no.1 admitted students with B.el.ed course against the terms of the admission brochure can be of no help to the petitioners. In case respondent no.1 has committed an irregularity or there has been a lapse on their part, no benefit can be derived by the petitioners. More so Mr.Talwar, has submitted that after this fact was brought to the notice of respondent no.1, an enquiry has been instituted into the matter.

23. Another submission made by counsel for the petitioners is that in view of the conduct of respondent no.1, the petitioners have been misled and they had reasonable expectation of being granted admission, in view of the conduct of the respondent no.1, is without any merit in view of the explicit criteria laid down in the admission brochure, and the petitioners should have relied upon what had been mentioned in the admission brochure rather than having been misled due to past mistake of respondent no.1. Having regard to the admission brochure, which categorically lays down the eligibility criteria for admission to M.Ed. course and having considered the Minutes of Meeting of the Committee, the present petitions cannot be entertained and the same are accordingly dismissed, leaving the parties to bear their own costs.

24. Copy of this order be given DASTI, as prayed.

CM.8633/2012 in W.P.(C) 4155/2012

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25. In view of the order passed in the writ petitions, present applications stand dismissed.

G.S.SISTANI, J

JULY 20, 2012

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