

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF
ANDHRA PRADESH**

WRIT PETITION NO.35337 OF 2015

DATED 05th NOVEMBER, 2015

Between:

P. Bhagyalakshmi .. Petitioner

and

State of Telangana represented by its
Principal Secretary, Higher Education
Department and others .. Respondents

THE HON'BLE SRI JUSTICE SANJAY KUMAR

-

WRIT PETITION NO.35337 OF 2015

ORDER

The petitioner is a student of B.Ed. one year (regular) course in the third respondent college which is affiliated to the Osmania University, Hyderabad. The petitioner was admitted in the third respondent college during the academic year 2014-15 but it was only on 22.06.2015 that the Telangana State Council for Higher Education, Hyderabad, while approving the admission of candidates admitted into Category-B seats in the third respondent college, left out the name of the petitioner.

The petitioner was issued proceedings informing her that her admission was not approved owing to the fact that she did not file the requisite certificates. She thereupon filed W.P.No.22038 of 2015 before this Court assailing the said proceedings. However, when the matter was taken up for hearing, the Telangana State Council of Higher Education informed this Court that the earlier proceedings were incorrect and produced a copy of the proceedings dated 21.07.2015, wherein it was stated that the admission of the petitioner had not been approved on the ground that she did not secure the minimum qualifying marks for being admitted to the course. Challenging these later proceedings, the petitioner filed W.P.No.22990 of 2015 before this Court. Pending disposal of the said writ petition, this Court, by order dated 24.07.2015, directed the respondents to permit the petitioner to appear for the B.Ed. examination by suspending the operation of the proceedings dated 21.07.2015. This Court further stated that the interim order would be subject to the outcome of the writ petition.

The present writ petition was filed assailing the action of the respondents in not declaring the petitioner's result in the B.Ed. one year (regular) course examination which she appeared for pursuant to the interim order dated 24.07.2015 passed in W.P.No.22990 of 2015.

The aforesaid facts demonstrate that the petitioner was admitted by the third respondent college in the academic year 2014-15 though she did not have the requisite qualifying marks. However, it is unfortunate that neither the University nor the Telangana State Council of Higher Education have in place regulations and checks on educational institutions ensuring that they submit data relating to admissions made by them expeditiously, whereby such illegal admissions would come to light immediately. Further, no steps are usually taken either by the University or by the Telangana State Council of Higher Education to penalize such institutions for making illegal admissions. It is only the unfortunate students who have to suffer, as in the present case.

The lack of application of mind by the Telangana State Council of Higher Education is also demonstrated by the fact that the earlier ground for not approving the petitioner's admission was that she did not produce the requisite certificates, but at a later point of time the Council realized that her admission was itself illegal as she did not possess the qualifying marks.

It would therefore be desirable that the University and the Telangana State Council of Higher Education introduce a strict regime which would control educational institutions and see to it that such illegal admissions are detected at the threshold itself instead of at the fag end of a year's study by the student concerned.

In the present case, the course itself is of one year and the petitioner had practically completed her studies by the time the Telangana State Council of Higher Education woke up. In such circumstances, this Court is of the opinion that the student cannot be made to suffer for the illegalities committed by the third respondent college or the inaction and delay on the part of the authorities concerned, the University and the Telangana State Council of Higher Education.

The writ petition is accordingly allowed directing the Osmania University, Hyderabad, to declare the result of the petitioner's B.Ed. one year (regular) course examination. Pending miscellaneous petitions shall stand closed in the light of this final order. No order as to costs.

SANJAY KUMAR, J

05th OCTOBER, 2015

PGS