

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

1. CWP No.12227 of 2014 (O&M)
Date of Decision: 15.06.2015

Yaduvanshi College of Education

. . . .Petitioner

Versus

Maharishi Dayanand University, Rohtak and others

. . . . Respondents

2. CWP No.12228 of 2014 (O&M)

Yaduvanshi College of Education

. . . .Petitioner

Versus

Maharishi Dayanand University, Rohtak and others

. . . . Respondents

3. CWP No.12229 of 2014 (O&M)

Modern College of Education

. . . .Petitioner

Versus

Maharishi Dayanand University, Rohtak and another

. . . . Respondents

4. CWP No.12230 of 2014 (O&M)

Mata Vaishno Devi College of Education

. . . .Petitioner

Versus

Maharishi Dayanand University, Rohtak and another

. . . . Respondents

5. CWP No.12246 of 2014 (O&M)

Aravali College of Education

. . . .Petitioner

Versus

Maharishi Dayanand University, Rohtak and another

. . . . Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: Mr.Vivek Khatri, Advocate,
for the petitioner.

Mr.Amit Rao, Advocate, for
Mr.Anurag Goyal, Advocate,
for respondent No.1.

Mr.Naveen S. Bhardwaj, Advocate,
for respondent No.2/NCTE.

Mr.Arvind Seth, Advocate,
for respondent No.3.
(in CWP Nos.12227 & 12228 of 2014)

RAKESH KUMAR JAIN, J.

This order shall dispose of five writ petitions, namely, CWP Nos.12227 to 12230 & 12246 of 2014. However, the facts are being extracted from the lead case bearing CWP No.12227 of 2014.

This petition has been filed by the College for seeking mandamus directing respondent No.1 (MD University, Rohtak) to issue roll numbers to 12 students of B.Ed. Course, studying in the petitioner/college, for the session 2013-14, for the purpose of final examination which were to be started from 24.6.2014. It is needless to mention that the writ petition dated 23.6.2014 came up for preliminary hearing on 24.6.2014 and the Court allowed the students to sit in the examination while issuing the directions to the respondents to issue roll numbers forthwith and making necessary arrangements to permit the students of the petitioner/college to appear in the examination, however, subject to the final outcome of the writ petition, making it clear that no equity will flow from the interim order passed in favour of the students.

On 14.1.2015, while dismissing the application by which interim order was asked for, declaring the result, Ch.Devi Lal University, *suo motu*, was impleaded as respondent No.3 and notice was issued to it because it had conducted the counselling for the purpose of admission.

The case of the petitioner is that it has been granted permission by the NCTE/respondent No.2 for starting B.Ed. course with intake of 100 students on 3.9.2008. The petitioner/college was affiliated with respondent No.1 (MD University, Rohtak) and from the date of its affiliation the intake capacity was increased from 100 to 200 seats vide its letter dated 25.4.2013. The petitioner/college admitted 187 B.Ed. students in the session 2013-14 and also given admission to 12 students with the prior approval of respondent No.1 and deposited fee on 31.3.2014. Thus, the total strength of the students in the petitioner/college raised upto 199 for the session 2013-14. The cause for filing the writ petition was that 12 students were not issued roll numbers by respondent No.1 though the final examinations were to be started from 24.6.2014. Thus, prayer was made that direction may be issued to respondent No.1 to issue roll numbers and those 12 students be permitted to sit in the examination starting from 24.6.2014.

All the three respondents have filed their separate replies. In the reply filed by respondent No.1, it is averred that admissions to the various colleges affiliated to it in various courses is made through counselling, which is conducted by the University authorised by State Government to conduct the same. In the

instant case, the State Government has authorised Ch. Devi Lal University, Sirsa to conduct online counselling. After making admissions, the list of admitted students in the respective colleges is sent to the college concerned and one copy of the same is also sent to the concerned University with which the concerned college is affiliated. Thereafter, the concerned college has to upload the registration returns, record of admitted students and complete data of the students along with the University fee, as applicable for the course, on the web portal. The admissions made are totally provisional and are always subject to the final checking of eligibility of all the admitted students to whom the roll numbers are issued after confirmation. It is further averred that the petitioner has played with the career of some students just for the sake of money by filling up the remaining vacant seats i.e. 12 seats out of 200 at their own sweet will without following the criteria i.e. by counselling through the authorised University. It is further averred that after the completion of the counselling of B.Ed. course, the convener of B.Ed. counselling, the respondent/University prepared a merit list in respect of B.Ed. students admitted in different colleges in the State of Haryana and supplied the merit list to respondent No.1 in the shape of 'soft copy' as well as 'hard copy'. As per the data of admitted students (merit list) admission of 186 students were made by the counselling agency, which was a competent body for making admission in the petitioner-college but the petitioner-college on its own admitted 12 students without seeking prior approval from respondent No.1. It is further averred that after making admissions,

the petitioner-college was required to submit online registration return as well as hard copy of the same in respect of 186 students, admitted through counselling as per merit list supplied by respondent No.3, authorised by the State Government to make admission in B.Ed. regular course in the State of Haryana for the session 2013-14. Respondent No.1 had issued letter dated 3.2.2014, addressed to all the Principals of Education Colleges, affiliated to it, wherein guidelines/instructions for sending the online registration return/continuation return in respect of B.Ed./M.Ed. regular course were mentioned. The number of authenticated admissions were of 186 students and the college generated the FTR (Fund Transfer Report) of 186 students in the first instance on 17.2.2014. Thereafter, the petitioner-college on 31.3.2014 generated the FTR in respect of 12 students subsequently admitted by it by managing with some unknown and unauthorised user IDs because the admission of those 12 students was not through respondent No.3. Since, the admissions of those 12 students were not in accordance with the prescribed procedure and rules, therefore, they were declared ineligible for appearing in the examination.

In reply filed by respondent No.2, it is averred that no substantive relief has been claimed from them but at the same time, it is averred that the petitioner neither disclosed the date of admission of the concerned students nor it refers to the procedure so adopted while admitting them.

In the reply filed by respondent No.3, it is averred that as per the prospectus approved by the State Government, all admissions by the colleges are to be updated/reported online, as and when they admit the candidates. No permission of any kind was to be provided for admitted students, if status of admission was not reported online as per key dates/schedule. It is further averred that the petitioner/college had admitted 186 students for B.Ed. course and the same was sent to respondent No.1 for information whereas the State Government had given opportunity to conduct the central counselling to respondent No.3 for the session 2013-14 vide letter No.18/322-2008 UNP(3) dated 13.5.2013 for admissions of B.Ed. course in the colleges of Education of Haryana State. The prospectus was approved by the State Government vide letter dated 30.7.2013. For the purpose of online counselling/admissions of B.Ed. (Regular) course for the session 2013-14, the University had engaged the outsourcing agency through Central Purchase Committee i.e. UMC Technologies Pvt. Ltd., Jaipur. Accordingly, the online admissions were made by the UMC Technologies Pvt. Ltd. Jaipur in Phase-I (Govt./Govt. Aided Colleges), Phase-II (Self-Financing Colleges) and Phase-III (Govt./Govt. Aided & Self Financing Colleges) upon the last date i.e. 15.10.2013 as approved by the State Government. Thus, it is submitted that respondent No.3 has only admitted 186 students by online process.

Learned counsel for the petitioner has argued that once the petitioner/college generated the FTR and the respondents had

issued registration numbers, they cannot deny roll numbers to them for the purpose of taking examination.

On the other hand, learned counsel for the respondents has submitted that the admission of 186 students was provisional and was dependent upon the verification. The admission of 186 students was found to be in order which was through respondent No.3, who was authorised to admit the students in the B.Ed. colleges in the State of Haryana but insofar as 12 students are concerned, those have been admitted by the petitioner on their own and without prior approval.

I have heard learned counsel for the parties and after examining the record, am of the concerned opinion that the petitioner has though averred in its petition that the admissions to those 12 students have been given by it after prior approval of respondent No.1 which has been categorically denied by respondent No.1 in its reply and nothing has been brought on record by the petitioner to substantiate the "prior approval" having been taken by it from respondent No.1 before admitting those 12 students on their own. There is a procedure prescribed for the purpose of admission which has been thoroughly mentioned by respondent No.1 in its reply. 186 students out of 200 students were admitted by way of online counselling by respondent No.3 which are verified and approved by respondent No.1 but the 12 students for which the present petition has been filed by the petitioner/college were not admitted by way of prescribed procedure i.e. by way of online

counselling conducted by respondent No.3 and was found patently illegal.

In view thereof, the mandamus sought by the petitioner cannot be issued because a mandamus is issued when the petitioner has a right and the respondent has a corresponding duty which the petitioner, in the present case, does not have, to ask for the issuance of roll number because the admission given by the petitioner to 12 students for the session 2013-14 was not in accordance with law and without any prior approval from respondent No.1.

In view thereof, there is no substance in all the writ petitions and hence, all the writ petitions are hereby dismissed.

15.06.2015

Vivek

(RAKESH KUMAR JAIN)
JUDGE