

CWP No.12202 of 2015

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

**CWP No.12202 of 2015
Date of decision:10.07.2015**

Veer Pratap Saini

...Petitioner

Versus

Guru Ravidas Ayurved University and others

...Respondents

CORAM: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. Arjun Pratap Atma Ram, Advocate,
for the petitioner.

Mr. T.S.Chauhan, Advocate,
for respondent no.1.

Mr. MPS Mann, Advocate,
for respondent no.3.

Rakesh Kumar Jain, J.

The petitioner has assailed validity of the order dated 30.05.2015 passed by respondent no.1-University, whereby his provisional admission in the Bachelor of Ayurvedic Medicine and Surgery (BAMS) course for the session 2014-15 in respondent no.2-college has been cancelled and prayed for a direction to the respondents to permit him to continue with the BAMS course in the respondent no.2-college.

The admitted facts are that the petitioner was a student of class 11th (10+1 Medical) in respondent no.3-school in the session 2012-2013. He secured 16.5 marks out of 80 in the theory and 12 marks out of 30 in the

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practical in the subject of Chemistry and could not qualify it because he was to secure 33% marks, whereas he had secured only 28.5 marks out of 100, which is evident from the marks sheet dated 10.07.2014. He appeared in the compartment examination of the subject of Chemistry on his own request, in which he secured 38.5 marks out of 100 as per the marks sheet issued by respondent no.3-school on 05.05.2015. The petitioner, however, continued his studies in 10+2 and appeared in 10+2 examination conducted by the CBSE for the session 2013-14 and since he had secured 50% marks in the subjects of Physics, Chemistry and Mathematics individually, therefore, appeared in the Entrance Test called as Punjab Ayush Entrance Test (PAET-2014) under Roll No.806303 for the purpose of getting admission in the BAMS Course and obtained the General Rank 928.

The petitioner submitted a certificate in Form-I on 09.07.2014, in which marks obtained by him in the subject of Chemistry in 10+1 was shown as 43.5 out of 100. On the basis of information/documents declared by the petitioner, he was given provisional admission in the BAMS course in the session 2014-15 in the respondent no.2-college, affiliated to the respondent no.1-University but at the time of issuance of registration certificate to the petitioner, it transpired that he had not passed the subject of Chemistry in 10+1 which requires verification of 10+1 certificate and Form-I filled up by his school. The respondent no.1-University sent a letter dated 09.03.2015 to respondent no.3-school to verify the aforesaid two documents, to which respondent no.3 replied along with the marks sheet of Class 11th issued to him on 10.07.2014 and also gross result sheet in which

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the petitioner is shown at Sr. No.25 having secured 285 marks in the subject of Chemistry.

After receipt of the reply/documents from respondent no.3-school, the petitioner was served with a show cause notice by respondent no.1-University dated 28.04.2015 as to why his admission be not cancelled as he was ineligible for admission to the BAMS course. The petitioner replied to the show cause notice on 04.05.2015 in which it was alleged that he had passed 10+1 and 10+2 examinations as per the certificate issued by the respondent no.3-school and there is no fault on his part. He was also given opportunity of personal hearing on 07.05.2015 and asked to appear before the Controller of Examinations on 14.05.2015. On the date fixed, the petitioner appeared before the Controller of Examinations and submitted additional documents dated 05.05.2015 issued by respondent no.3-school, showing that he had passed 10+1 examination securing 38.5 marks but he submitted Form-I bearing the same old date i.e. dated 19.07.2014 issued by respondent no.3-school showing therein to have obtained 38.5 marks in the subject of Chemistry.

In the reply filed by respondent no.3-school, it is categorically averred and is not denied by the petitioner that he was called by the school authorities as it has been found that in order to get admission in the BAMS course, some interpolations by hand were made in the certificate issued by respondent no.3-school. The petitioner appeared before the Committee constituted for that purpose and confessed to have made interpolations in the marks sheet and Form-I after obtaining the same from the school. The

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confession made by the petitioner in his own handwriting is also attached as Annexure R-3/9 by respondent no.3. The text of the confession made by the petitioner is reproduced as under:-

“I, Veer Pratap Saini, ex-student of Akal Academy Bharyal Lahri, for +1 Class (session 2012-13) resident of Vill:- Shekuchack, P.O.: Habir Pindi, the:- Pathankot, Distt:- Pathankot, P.No:-94788-15870 got issued my marks card of +1 on 10.07.2014. I confess that I myself changed and increased the marks in this report card.

Beside I also confess that I myself also changed the marks of concerned class in the academics and exemption certification.

(Annexure-II from -I) issued on 19.07.2014.

I confess in front of all my following teachers that I myself changed/increased the marks of my +1 class in both the documents, attached along with my this letter.

I apologize for this heinous and illicit act done by me and grant me forgiveness.”

From the aforesaid facts, there is no doubt that the petitioner has deliberately and knowingly changed his marks in the subject of Chemistry when he filled Form-I on 10.07.2014, showing the marks as 43.5 in the subject of Chemistry though he had actually secured 28.5 marks and secured 38.5 marks in the compartment examination, as shown in the marks sheet dated 05.05.2015. The confession made by the petitioner in his handwriting before the committee constituted by the respondent no.3-school leaves nothing to guess about his act and conduct in regard to interpolations in the marks sheet and Form-I.

Faced with this situation, learned counsel for the petitioner has

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argued that for the purpose of admission in the BAMS course, the petitioner is required to have cleared 10+2 or equivalent examination about which there is no dispute that he had passed 10+2 examination and was fully eligible for taking entrance test for the purpose of securing admission in the BAMS course.

In this regard, counsel for the respondents have submitted that this issue has been put to rest by the Division Bench of this Court in the case of **Amandeep Rajan vs. The State of Punjab and others**, CWP No.16115 of 2012, decided on 16.01.2013, as to whether a student can seek admission in the BAMS degree course only on the basis of 10+2, if he has not passed 10+1 examination?

I have heard learned counsel for the parties and examined the available record in this regard.

In **Amandeep Rajan's case (supra)**, the petitioner sought quashing of the relevant clause contained in the eligibility criteria for Punjab Ayurvedic Elementary Test, prescribed vide notification dated 12.05.2011, for admission to BAMS Degree Course, according to which a candidate is required to possess requisite marks in the subjects of Biology, Physics and Chemistry at both levels i.e. 10+1 and 10+2 examinations. The petitioner in that case failed in 10+1 examination as he had failed to secure 33% marks in the compulsory subjects of Physics and Chemistry. The petitioner was, thus, not eligible to be promoted to 10+2 as per Regulation 38(iv) of the C.B.S.E. Regulations, but the school granted admission to him in 10+2, in which he failed in the year 2011 and got admission in the

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S.D.S.E. Senior Secondary School, Patiala, affiliated to the Punjab School Education Board (PSEB). The said school permitted the petitioner to appear in 10+2 examination conducted by the PSEB, which he had qualified and then appeared in the Punjab Ayurvedic Elementary Test. His candidature was, however, rejected for want of eligibility as he did not obtain requisite marks in the subjects of Physics and Chemistry at 10+1 level. It was held by the Division Bench that there is no inbuilt illegality or unreasonableness in the condition requiring consistent academic performance by a candidate at 10+1 as well as 10+2 level. The eligibility conditions have been applied uniformly to all the candidates for a better academic and professional standards and it being essentially a policy matter in the academic field, falls within the domain of the subject experts and calls for no interference by this Court.

In view thereof, the argument raised by learned counsel for the petitioner falls flat on the ground and the prayer made by the petitioner in this case cannot be allowed on merit besides the fact that there is no equity in his favour while looking into his act and conduct of cheating his alma mater.

Accordingly, the present writ petition is found to be without any merit and hence, the same is hereby dismissed with costs of ₹20,000/-.

July 10, 2015
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(Rakesh Kumar Jain)
Judge