

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 25972 OF 2017

ORDER:

Letter dated 20.03.2017 addressed by the 5th respondent Institute to the petitioner refusing to receive the examination fee of the students named therein for D.Ed. Spl. Ed.(HI) Course for the academic year 2016-17 is questioned in this Writ Petition on the ground that the candidates have not fulfilled the admission criteria of having 45% as a qualifying mark in the intermediate course.

Learned counsel for the petitioner submits that if the petitioner was in the know of issuance of G.O.Ms. No. 22, School Education (PE-PROG.II) Department, dated 29.05.2014 by the government amending the Rules relating to admission of students which were in vogue through G.O.Ms.No. 63, dated 28.10.2013 which permitted admission of the students belonging to Scheduled Castes and Scheduled Tribes community who have secured 40% marks in the intermediate, the petitioner would not have admitted the students named in the impugned letter. Hence, the learned counsel prays this Court to take a lenient view especially keeping in view the fact that the petitioners are all the persons who need extra support in the society.

Learned Standing Counsel for Respondents 4 and 5 Sri N. Rajeswara Rao opposes the Writ Petition on the ground that the petitioner cannot plead ignorance of the stipulation notified by the government in G.O.Ms. No. 22, dated 29.05.2014. According to the learned counsel, the minimum criteria was, in fact, changed on account of the judgment of this Court in Writ Petition No. 1802 of 2014 and W.P.No. 3135 of 23014, dated 30.03.2014, hence, there cannot be any reduction of the minimum marks prescribed.

Considered the respective submissions. It is well-settled that ignorance of law cannot be excused notwithstanding the sympathies the Court may have in a particular case.

Here it is a case where G.O.Ms.No. 22, dated 29.05.2014 prescribed the minimum qualifying criteria for Scheduled Castes and Scheduled Tribes candidates as 45% instead of 40% stipulated earlier *vide* G.O.Ms.No. 63, dated 28.10.2013. The minimum marks for other general candidates are 50%. It may also be noted that these are the statutory rules notified under the Admission of Students into Elementary Teacher Training Institutes / District Institutes of Education and Training (DIET) through Common Entrance Test Rules, 2013 amending the rules relating to admission of students into elementary teacher training institutions / District Institutes of Education and Training through common entrance test. Prescription of 45% marks being a statutory one, it is impermissible even for this Court to vary the same notwithstanding the sympathies which the Court may have.

It may also be noted that the 5th respondent is only a nodal agency carrying out the functions on behalf of Respondents 3 and 4. They also do not have any choice other than adhering to the notified statutory rule. In those circumstances and in view of the well-settled principle that the Court cannot direct violation of a statutory rule as it is the fundamental duty of the Court to enforce the statutory acts and rules, the Writ Petition lacks merit and it is accordingly, dismissed.

Consequently, the miscellaneous Applications, if any shall also stand dismissed.

CHALLA KODANDA RAM, J

03rd August 2017

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