

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.26078 OF 2017

ORDER:

The writ petition is filed questioning the action of the 2nd respondent in not permitting the petitioner for verification of her certificates and in not permitting the petitioner for applying in the web counselling scheduled to be held from 4.8.2017 to 7.8.2017 pursuant to TS DEECET-2017, as arbitrary and illegal.

It is the case of the petitioner that she had passed the Intermediate Vocational Course in First Division Pre-School Teacher Training with A-Grade (765 out of 1000 marks) in the year 2016. As per the clarifications furnished by the Telangana Intermediate Board, the candidates who had studied and passed the Intermediate with vocational training course to be considered equivalent to the regular intermediate pass candidates. Passing of the vocational course coupled with bridge course is equivalent to passing of the Intermediate on regular basis. In spite of the same and though the petitioner secured rank in the entrance examination conducted by the Telangana Elementary Teacher Education Institutions/District Institutes of Education and Training (Regulation of Admissions into Diploma in Elementary Education Programme (D.El.Ed.) through Common Entrance Test) Rules, 2017 (for short, "the TS DEECET"), the petitioner was not allocated the seat for admission into the D.El.Ed course.

Counter affidavits have been filed by both the Intermediate Board as well as the respondents 1, 2 and 3. So far as the counter-affidavit filed by the 5th respondent Intermediate Board is concerned, it is supporting the case of the petitioner and they rely on a letter dated 19.06.2007 issued by the Secretary, Board of

Intermediate Education (BIE), Hyderabad stating that the Vocational course students who have passed Bridge Course examination conducted by BIE are treated as equal to MPC/BPC students and are eligible to pursue Higher Education in the concerned Degree/Professional courses on par with the MPC/BPC students and issued instructions to all the Registrars of all the Universities in the State of Telangana clarifying the same.

In the counter-affidavit filed by the respondents 1, 2 and 3, it is stated that the TS DEECET had categorically notified in the notification that the candidates who passed the Intermediate with vocational courses are ineligible for appearing the TS DEECET. Petitioner had without disclosing that she is a candidate falling within the prohibited category made an online application and appeared for entrance examination. In those circumstances, as the petitioner is falling within the prohibited category under Rule 4(iii)(b) of the notification issued through the G.O.Ms.No.10 dated 12.04.2017, her qualification cannot be considered for the purpose of admission into the D.E.I.Ed course.

Having considered the respective submissions, it is clear that G.O.Ms.No.10 dated 12.04.2017, was issued by the Government of Telangana notifying the Rules in exercise of the powers conferred under the Telangana Educational Institutions (Regulation of Admissions and Prohibition of Capitation Fee) Act, 1983 (Act No.5 of 1983). "Eligible candidate" as defined in terms of Rule 2(i) of G.O.Ms.No.10 dated 12.4.2017, means the candidate who is eligible for admission is the candidate eligible for admission as per the eligibility criteria prescribed in these rules (emphasis supplied). Rule 4 of the said G.O deals with the eligibility criteria for

admission. So far as relevant for the purpose of disposal of this writ petition, Rule 4(iii)(a) of the above said G.O may be noticed:

(iii)(a) The candidate should have passed or appeared for the Intermediate Examination (Qualifying Exam) or its equivalent as decided by the DEECET Committee for appearing at the DEECET. However, she/he should have passed the qualifying examination by the time of admission”

A careful reading of Rule 4(iii)(a) of the above said G.O discloses that candidates who have passed Intermediate (qualifying examination) or its equivalent as decided by the TS DEECET Committee are eligible for appearing DEECET. Though in the counter-affidavit filed by the 3rd respondent, it is not specifically stated that the DEECET committee which is the competent authority as defined in Rule 2(i)(c) of G.O, had considered as to whether the Intermediate Vocational Course with bridge course is equivalent to the Intermediate qualifying examination. As per the rules DEECET committee consists of :-

1	Commissioner & Director of School Education	Chairperson and Convener, DEECET
2	Director, SCERT	Member
3	Director for Government Examinations	Member
4	One Principal of DIET (Nominated by the Chairperson, DEECET)	Member
5	One Subject, Expert (Nominated by the Chairperson, DEECET preferably Professor/ Lecturer of SCERT/CTE/IASE)	Member
6	One Technical Expert (Nominated by the Chairperson, DEECET from CGG/TSTS/IT dept.)	Member
7	Additional Director, Coordination	Member

In those circumstances, as this question is likely to arise repeatedly and to put a quietus once for all, the DEECET committee shall consider and categorically declare as to whether

the Intermediate Vocational Course read with bridge course is equivalent to Intermediate qualifying examination and publish the same clarification within a period of four weeks from the date of receipt of copy of the order. However, it is needless to mention that in the event of the committee deciding that the Intermediate Vocational course coupled with the bridge course is equivalent to the Intermediate qualifying examination, the petitioner shall be given admission into D.E.I.Ed course and allow her to pursue the same.

With the above observations, the writ petition is disposed of. There shall be no order as to costs. Miscellaneous Petitions pending, if any, shall stand closed.

Dated:29.08.2017
Gk

CHALLA KODANDA RAM,J



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