

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

**CWP-28825-2018 (O&M)
Date of Decision:19.11.2018**

Shivani

... Petitioner

Versus

State of Haryana & others

... Respondents

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present: Mr. Nand Lal Sammi, Advocate for the petitioner.

...

TEJINDER SINGH DHINDSA, J. (ORAL).

Instant writ petition has been filed under Articles 226/227 of the Constitution of India seeking issuance of a writ in the nature of mandamus for directing respondents No.2/3 i.e. the Maharishi Dayanand University, Rohtak to issue Roll Number to the petitioner and thereby to permit her to participate in the first semester examination of B.A. 1st Year for the session 2018-19. Further prayer made in the petition is for the respondent/University to recognize the Urdu Education Board (Annexure P-4) and thereby grant validation to the 10+2 Examination that the petitioner has qualified from the Urdu Education Board.

2. Brief facts of the case are that the petitioner passed the Senior Secondary School Examination held in December, 2017 from the Urdu Education Board/respondent No.4. It has been averred that the petitioner took admission in the B.A. 1st Year course in the G.V.M. Girls College, Sonipat for the session 2018-19 in the month of May/June, 2018 as a regular student and deposited a total fee amounting to Rs.8948/-. Further stated that respondent No.4/Urdu Education Board has even issued a migration/transfer

certificate to the petitioner and which carries a no objection as regards the petitioner joining any recognized College/Institute for pursuing further studies.

3. Precise grievance set forth by counsel is that the admission granted to the petitioner in the respondent No.5/College is not being regularized at the hands of Maharishi Dayanand University, Rohtak and in spite of the Central Wakf, Council Ministry of Minority Affairs, Government of India having issued a certificate in which the Urdu Education Board is viewed as a recognized Minority Education Board. Further contended that as per certificate at Annexure P-4, the Central Waqf Council has declared that the certificates of Classes 8, 10 and 12 issued by the Urdu Education Board would be treated as equivalent to certificates issued by any other Central or State School Education Board. It is also the submission made by counsel that at the stage of seeking admission with respondent No.5/College, there was no concealment by the petitioner and without any fault being attributed to her, she cannot be denied participation in the final examination of B.A. 1st semester, which is now slated for 21.11.2018.

4. Having heard counsel for the petitioner at length and having perused the pleadings on record, this Court is of the considered view that the prayer made in the instant petition does not merit acceptance.

5. The instant petition had come up for preliminary hearing before this Court on 16.11.2018 and at that stage, counsel had been directed to complete instructions with regard to the minimum essential/recognized qualifications prescribed by Maharishi Dayanand University, Rohtak for

admission to the B.A. course.

6. Case has been taken up for resumed hearing today. Even though, no documents were placed on record by counsel in pursuance to the order dated 16.11.2018 passed by this Court, yet counsel has very fairly made available for perusal of this Court the admission brochure for the session 2018-19 issued by Maharishi Dayanad University, Rohtak and which as per him would regulate the admissions to the B.A. course as well.

7. As per Clause 11 of such admission brochure, all admissions are to be made strictly on merit from amongst eligible applicants for each course of study.

8. Clause 18 of the brochure would be relevant to the issue at hand and reads in the following terms:

“18. Admissions to various courses in the affiliated Colleges/Institutes may be made after consulting the list of various examinations of other Universities recognized by this University, already sent to the Colleges/Institutes vide letter No.AC-3/10060-10672 dated 09.05.2014 and also available on University website www.mdurohtak.ac.in. The letters written thereafter in this regard also be consulted. If any admission is made by the College/Institute in violation of above list, it shall be the sole responsibility of the said College/Institute and those admissions will not be regularized in any case.”

9. A bare reading of Clause 18 would make it crystal clear that all the affiliated Colleges/Institutes have been put to notice by the respondent/ Maharishi Dayanad University that only such candidates are to be admitted who possess recognized qualifications and as per the list of recognized examinations/institutes etc. and formulated by the University itself.

Furthermore, as per Clause 18, the list of recognized examinations etc. are

also available on the website of the University.

10. Counsel does not dispute that the Urdu Education Board, New Delhi and from where the petitioner had passed the 10+2 Examination is not a recognized examination/qualification as per information available on the website of the Maharishi Dayanad University, Rohtak.

11. In other words, petitioner was not an eligible candidate as per admission brochure to have been admitted in B.A. 1st year course in the G.V.M. Girls College, Sonipat.

12. In view of the discussion herein above, the prayer made by the petitioner to be permitted to participate provisionally for the B.A. Part I Examination i.e. to commence from 21.11.2018 is declined.

13. The second issue with regard to Maharishi Dayanand University, Rohtak recognizing the qualifications/examinations conducted by the Urdu Education Board need not be gone into in the instant writ petition.

14. Writ petition is dismissed.

19.11.2018

harjeet

(TEJINDER SINGH DHINDSA)
JUDGE

- | | | |
|-----|----------------------------|--------|
| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |