

THE HONOURABLE SRI JUSTICE A. RAJASHEKER REDDY

WRIT PETITION No.17504 of 2019

ORDER:

The case of the petitioner is that he completed Bachelor of Business Administration (BBA) in Information Technology from Lovely Professional University, recognized by University Grants Commission, Punjab, on 20.06.2019. The petitioner was intending to pursue M.B.A. course. Meanwhile, the 2nd respondent-Kakatiya University issued notification inviting applications seeking admission into M.B.A. and M.C.A. courses and the petitioner applied for the same and appeared in the written test conducted on 23.05.2019 and secured 600 rank. As per norms of the notification, the certificate verification was conducted on 08.08.2019 on the selected candidates and the option was accepted. At the time of verification of the certificates, the petitioner was denied admission into M.B.A. course on the ground that the University, in which he was pursued BBA course, is not recognized by the University Grants Commission, but the fact is otherwise. The petitioner has also shown the certificate issued by the University Grants Commission recognizing the Lovely Professional University. But, in spite of the same, the 2nd respondent refused to freeze the option exercised by the petitioner to get admission on the ground that the degree possessed by him is not equivalent to the Kakatiya University or Osmania University. It is also stated that as per the rank secured by the petitioner, he has to get the admission into M.B.A. course either in the 3rd respondent

University or the 4th respondent College. But, due to the rejection of option to freeze, the petitioner is deprived of his legitimate right to get admission into M.B.A. course in the college of his choice. The petitioner has sent e-mail to the 2nd respondent on 11.08.2019 bringing the above facts. As no action has been taken, the present writ petition is filed.

2. This Court heard both sides, on 14.08.2019, as both standing counsel sought time for getting instructions, directed for reserving one seat. On 19.08.2019, as the 2nd respondent stated that the petitioner has not approached regarding admission, while extending the interim order, this Court observed that the petitioner can approach the 2nd respondent immediately with a representation regarding his grievance and directed the 2nd respondent to consider the same and take appropriate action. Thereafter on 27.08.2019, this Court extended the interim order for one week and posted the writ petition for orders on 28.08.2019. On 28.08.2019, this Court directed the learned Standing Counsel to communicate the copy of the representation of the petitioner to the competent authority. When the matter is listed on 03.09.2019, learned counsel for the petitioner sought time for impleading the necessary parties. On 09.09.2019, this Court, while extending the interim order, ordered personal notice to the proposed respondent No.5-Telangana State Council of Higher Education Hyderabad Department of Technical Education, in I.A.No.2 of 2019. On 18.09.2019, the said I.A.No.2 of 2019 is allowed permitting the

proposed respondent to come on record as respondent No.5 and as no body entered appearance on behalf of the 5th respondent in spite of service of notice, ordered appearance of the responsible officer on behalf of the 5th respondent in person and posted the matter to 30.09.2019. On 30.09.2019, as no counter-affidavit is filed by the 2nd respondent and no appearance is made on its behalf, this Court ordered appearance of the responsible officer on behalf of the 2nd respondent to answer the issue raised before the Court and posted the matter to 14.10.2019, while extending the interim order. On 14.10.2019, at request of learned counsel for the petitioner, the matter was adjourned to 15.10.2019.

3. The 2nd respondent placed on the record the written instructions, dated 29.08.2019, which reads as follows:

“1. The government of TS has assigned the TS-ICET 2019 work to the Kakatiya University, appointing Prof.Ch.Rajesham, Faculty of Com & Business Management, KU, Wgl as the Convener for the TSICET 2019, to conduct the Common Entrance Test for admissions into the M.B.A. and MCA Course for the academic year 2019-20. Accordingly, an Admission Notification was issued and as per the said Notification, the relevant portion of qualification for admission to the said course is presented below for ready reference:

‘The candidate seeking admission-

For M.B.A.: Should have passed recognized Bachelors Degree examination of minimum three years duration with at least 50% marks (45% marks in case of reserved categories) in the qualifying examination.

2. In this regard, by way of clarification I am to state that, as per the scheme of the said TSICET 2019, the Job of the Convener (the 2nd party to the petition) is confined to or limited to the conducting of the entire Entrance Test process, and till the final declaration of results of the CET. Thereafter, at the second stage, the admissions are made through the process of Counseling system, by the 'Office of the Convener-Admissions, Hyd' wherein, the candidates who were qualified in the said Entrance Test, are to attend the counseling sessions at the designated centers as per the prior informed schedule and present substantial proof to the satisfaction of the admission committee, by way of producing relevant certificates, as a part of the verification of the credentials of the candidate, before considering his case for provisional admission.

3. Accordingly, the second party, namely, the Convener, TSICET 2019, has duly completed his part of the process and the results were also declared promptly, as per the given Schedule of the TSICET 2019. It is during the second stage, namely, the Counseling session of the CET, (which was conducted by the office of the Convener-Admissions, Hyd, TSICET 2019) the petitioner/candidate has approached the Hon'ble High Court at Hyd, concerning his admission."

4. Sri Ch.Jagannadha Rao, learned Standing Counsel for respondent No.3-Osmania University as well as Sri R.Venkateswara Rao, learned Standing Counsel for respondent No.2-Kakatiya University submits that the 5th respondent has to conduct the counselling. As far as Kakatiya University is concerned, the job is only to conduct examination and place the results before the 5th respondent.

5. Though notice is served on the 5th respondent, neither the counsel nor any responsible officer is present. The matter underwent several adjournments.

6. When it is the specific case of the petitioner that though he obtained 600 rank in the entrance examination and fully qualified for admission into M.B.A. course, his admission into the said course was denied by the respondent authorities. He also placed on record the copies of rank card and list of Universities maintained by the University Grants Commission, wherein the Lovely Professional College, in which the petitioner has completed the course of BBA, was shown at Sl.No.11.

7. Even in the written instructions submitted by 2nd respondent, the assertions of the petitioner are not denied. In spite of service of notice on the 5th respondent, it did not choose to respond, which goes to show that the assertions made by the petitioner are correct and the 5th respondent has no say in the matter.

8. In view of the facts and circumstances, this Court is of the opinion that, the writ petition is liable to be allowed.

9. Accordingly, the writ petition is allowed.

Miscellaneous petitions pending, if any, shall stand closed. No order as to costs.

A. RAJASHEKER REDDY, J

21st October 2019
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