

(133) IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.11927 of 2019
Date of decision: 07.05.2019

Neetu Munjal.

..... Petitioner

Versus

Kurukshetra University and another.

.... Respondents

BEFORE: HON'BLE MR. JUSTICE B.S. WALIA.

Present: Mr. Parth Goyal, Advocate for the petitioner.

B.S. WALIA, J. (ORAL)

[1] Prayer is for the issuance of a writ of Certiorari to quash order (Annexure P-8) dated 07.02.2019 whereby the application of the petitioner for permission to appear in the Bachelor of Education (B.Ed.) (English) additional examination in July, 2019 was rejected in terms of Clause 16 of the 'Ordinances For Examinations' (hereinafter referred to as 'the Ordinance') issued by respondent No.1/University in respect of Bachelor of Education (B.Ed.) examination on the ground that the petitioner had not passed the B.Ed. degree from a State University of Haryana.

[2] Brief facts of the case leading to the filing of the instant petition are that the petitioner did her B.Ed. from the Indira Gandhi National Open University (IGNOU) on 28.10.2010 whereafter she joined service as JBT Teacher under the Government of Haryana. Promotion from the post of JBT to the post of TGT is subject to the candidate fulfilling the requirement of

of TGT. In the instant case, the petitioner had sought promotion to the post of TGT (English) and since she did not have the subject of English in B.Ed., therefore, the petitioner submitted an application to the Kurukshetra University for permission to appear in the subject of English in B.Ed. examination by way of additional subject.

[3] As per Clause 16 of the Ordinance issued by the Kurukshetra University for B.Ed. examination, only a candidate who has already passed B.Ed./B.Ed. (Special Education) from the Kurukshetra University or any State University of Haryana alone is eligible to appear in additional teaching subject of B.Ed. examination. Clause 16 of the Ordinance of the B.Ed. examination issued by the Kurukshetra University is reproduced as under:-

“16. A candidate who has already passed B.Ed./B.Ed. (Special Education) from this University or any of the State University of Haryana may appear in any additional teaching subject of B.Ed. examination subsequently except the subjects in which he/she has already passed the examination on submission of the prescribed examination form and payment of admission fee as prescribed by the University from time to time.

Provided that:-

- (i) in the case of a teaching subject, he must have already passed the degree examination in that subject;*
- (ii) in addition to the Written Paper of the Teaching subject, the candidate shall undergo a practical test in the Teaching of the additional subject taken by him;*
- (iii) such candidates will be required to register themselves with any B.Ed. College of this University by paying a fee of Rs.200/- to the concerned College/Institution by 31st October of the respective session.”*

[4] The petitioner having submitted an application for permission to appear in the additional subject of English in B.Ed. examination was

denied the same vide order (Annexure P-8) dated 07.02.2019 on the ground that as per Clause 16 of the Ordinance, she had not passed B.Ed. degree from a State University of Haryana.

[5] Learned counsel has relied upon the decision of a Co-ordinate Bench of this Court passed in CWP No.15821 of 2018 in case titled as Mahaveer Singh and others vs Kurukshetra University, Kurukshetra and another and connected CWP No.16114 of 2018 in case titled as Lilu Ram and another vs Kurukshetra University, Kurukshetra and another wherein candidates who like the petitioner had passed their B.Ed. examination from Indira Gandhi National Open University (IGNOU) were denied permission to appear in the additional (subject) examination of B.Ed. from the Kurukshetra University in terms of Clause 16 of the Ordinance issued by the University but the writ petition was allowed and the petitioners therein were permitted to take the examination of B.Ed. additional subject of Sanskrit. Learned counsel argued that the claim of the petitioner is covered in terms of the decision of this Court in CWP No.15821 of 2018, therefore, the impugned order is liable to be quashed and the petitioner held entitled to grant of permission to apply for and be granted permission to appear in the B.Ed. (English) examination as additional subject.

[6] I have considered the submissions of learned counsel for the petitioner but am unable to agree with the same.

[7] Clause 16 of the Ordinance is very clear and permits a candidate to appear in any additional teaching subject of B.Ed. examination only in the eventuality of his/her already having done B.Ed. from the Kurukshetra University or any State University of Haryana. Besides, Mahavir Singh's case (Supra) relied upon by learned counsel for the petitioner does not advance the case of the petitioner as in the said case

candidates seeking to appear in additional subjects although having done their B.Ed. from Indira Gandhi National Open University had been given admission for appearing in the additional subject of B.Ed. The Co-ordinate Bench while taking into account that the petitioners had been kept in the dark by not only the College while giving admission to them but also by the University by not making it public that they would not be able to obtain the degree because of the prohibition contained in Clause 16 of the Ordinance in the aforementioned circumstances held that the claim of the petitioners was to be allowed and they were permitted to take examination of B.Ed. additional subject. While concluding, the Co-ordinate Bench observed as under:-

“While parting, it is made clear that in case University feels that the B.Ed. Additional subject students should not appear in B.Ed. Additional subjects, if they had not passed their B.Ed. from Kurukshetra University, Kurukshetra or any other University of the State of Haryana then it should ensure that the B.Ed. Colleges affiliated to the University do not give admission to such kind of students so that they may not rush to the Court at the eleventh hour for redressal of their grievance much less to take examinations under such stress. It is also made clear that in case any College affiliated to the State of Haryana would give admission to such students, who are not eligible to take B.Ed. Additional subject examination in view of Clause 16 of the Ordinance then University is directed to take strict action against the said College including action of their disaffiliation so that they should keep in mind that they are not

working just for the sake of earning money but for imparting education.”

[8] A perusal thereof reveals that the Co-ordinate Bench was of the view that if the Kurukshetra University did not want a candidate for B.Ed. additional subject to be allowed to appear if he had not passed B.Ed. examination from Kurukshetra University or any other University of the State of Haryana then it should ensure that the B.Ed. Colleges affiliated to the University did not give admission to such kind of students and that in case any College affiliated to the State of Haryana gave admission to students who were not eligible to take B.Ed. additional subject examination in view of Clause 16 of the Ordinance then the University was required to take strict action against said College including action for its disaffiliation.

[9] However, in the instant case, admission was not granted to the petitioner, rather at the outset, admission for appearing in the additional subject of B.Ed. examination in English was refused vide order Annexure (P-8) dated 07.02.2019.

[10] Accordingly, finding no merit in the writ petition, the same is dismissed in limine.

07.05.2019
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(B.S. Walia)
Judge

1. Whether speaking/reasoned : Yes/No.
2. Whether reportable : Yes/No.