

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Sr. No. 102

Case No. : C.W.P. No. 34344 of 2019

Date of Decision : November 29, 2019

Kanya Gurukul College of Education, Julana Petitioner

vs.

Chaudhary Ranbir Singh University, Jind
and others Respondents

**CORAM : HON'BLE MRS. JUSTICE DAYA CHAUDHARY.
HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA.**

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Present : Mr. Jitender Nara, Advocate
for the petitioner.

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MEENAKSHI I. MEHTA, J. :

By way of this petition, the petitioner – College has sought the issuance of a writ in the nature of mandamus/certiorari for quashing/setting aside impugned order dated 18.11.2019 whereby its representation dated 14.11.2019 has been rejected and has also prayed for the issuance of a writ of mandamus directing respondent-University to conduct the physical counselling of the left out candidates after second round of counselling, for admission in the B.Ed Course for academic session 2019-20 and to fill up 44 seats which are still lying vacant.

The case, as set-forth in this petition, is that the petitioner-College was established by a registered Society named Shiksha Parishad Kanya Gurukul, Julana (Shahidpur) with Regn.No.00289, to impart training and education to girl students mainly from the rural area. The petitioner-College is recognized by the National Council for Teacher Education

(NCTE) and is an unaided and self-financed institution and affiliated to the respondent-University and has been allotted 100 seats for B.Ed Course. The counselling process for admission to the said course for the academic session 2019-20 had been conducted by the respondent-University in four phases and the counselling code allotted to the petitioner is 1144. However, after the conclusion of all the phases and rounds of the counselling till 30.10.2019, 44 seats, out of the said 100 seats allotted to the College, are still lying vacant. Till the filing of this petition, 163 students/candidates were left to be allotted any College and 430 students, though allotted the Colleges, have not taken admission in their respective Colleges due to non-suitability and some candidates, as detailed in paragraph 12 of the petition, contacted the petitioner for seeking admissions therein.

One College i.e. Manav Institute of Education filed **C.W.P. No. 28861 of 2019 – Manav Institute of Education vs. Ch. Ranbir Singh University and others** and vide order dated 24.10.2019, the said College has been allowed by a Single Bench of this Court to carry out the counseling process to fill up 100 seats of B.Ed. Course, for academic session 2019-20, up to 31.10.2019. The petitioner-College undertakes to complete the syllabus within requisite duration of the course, i.e. 200 days, as per NCTE norms, in case they are allowed admission at this stage.

The impugned rejection order dated 18.11.2019 passed by the respondent-University is not a speaking one as no specific or justifiable reason has been assigned.

Learned counsel for the petitioner-College contends that the

impugned order dated 18.11.2019 is not based on any cogent or plausible reasons as the petitioner-College undertakes to complete the requisite number of days i.e. 200, in case it is allowed to fill up 44 vacant seats of the B.Ed. Course even at this stage also.

After giving our thoughtful consideration to the averments, as canvassed in the present writ petition as well as the contentions raised by learned counsel for the petitioner, we are of the considered opinion that this petition is devoid of merit as a perusal of Annexure P-1, i.e. a copy of the online admission schedule reveals that phase IV of the counselling for self-financed scheme (SFS) Colleges has come to an end on 30.10.2019 and as per note as appended on the last page thereof, no College can be allowed to make admissions beyond 30.10.2019 even if the seats remain vacant.

The Hon'ble Apex Court has made the following categorical observations in Maa Vaishno Devi Mahila Mahavidyalaya vs. State of Uttar Pradesh and others – (2013) 2 SCC 617 :-

“Once the relevant Schedules have been prescribed under the Regulations or under the Judge made law, none, whosoever it be, is entitled to carve out exceptions to the prescribed Schedule. Adherence to the Schedule is the essence of granting admission in a fair and transparent manner as well as to maintain the standards of education. The purpose of providing a time schedule is to ensure that all concerned authorities act within the stipulated time. Where, on the one hand, it places an obligation upon the authorities to act according to the Schedule, there it also provides complete clarity to other

stakeholders as to when their application would either be accepted and/or rejected and what will be the time duration for it to be processed at different quarters. It also gives clear understanding to the students for whose benefit the entire process is set up as to when their examinations would be held, when results would be declared and when they are expected to take admission to different colleges in order of merit obtained by them in the entrance examinations or other processes for the purposes of subject and college preference.”

In para no. 54 of the above cited judgment, it has been further observed by Hon'ble Supreme Court that “*the provisions and scheme of the NCTE Act are in peri materia of that of the Medical Council of India Act, 1956 and All India Council for Technical Education Act, 1987*” and in **Medical Council of India vs. Madhu Singh - 2002 (7) SCC 258**, the Hon'ble Supreme Court had directed the Medical Council of India to ensure that examining bodies fix a time schedule for making admissions and that the same should be strictly adhered to.

As regards the order, as passed by the Single Bench of this Court in **C.W.P. No. 28861 of 2019 - Manav Institute of Education (supra)**, the grievance of the petitioner-Institute was regarding its exclusion from the admission process to the B.Ed. Course session 2019-20 and after the re-inspection report, the deficiencies, as point out in the said report, were undertaken to be duly rectified within the given time frame, and therefore, the petitioner-Institute was given the liberty to carry out the

up to 31.10.2019, whereas in Annexure P-1 itself, the cut-off date for the IV, i.e. last final phase for admission in the said Course, is mentioned as 30.10.2019. Therefore, the order as passed in Manav Institute of Education (*supra*) does not come to the rescue of the petitioner-College to establish its claim as prayed for in this petition.

As a sequel of the foregoing discussion, this petition being sans of any merit, is hereby dismissed.

(DAYA CHAUDHARY)
JUDGE

(MEENAKSHI I. MEHTA)
JUDGE

November 29, 2019
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Whether speaking/reasoned ?	Yes/No.
Whether reportable ?	Yes/No.