

Upma Devi Vs. the State of Madhya Pradesh

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Court : Madhya Pradesh

Decided On : Dec-20-2012

Appellant : Upma Devi

Respondent : The State of Madhya Pradesh

Advocate for Pet/Ap. : Shri. Vivek Shukla

Judgement :

1 W.P.No.17350/2012 20.12.2012 Shri Vivek Shukla, Counsel for petitioners. Shri Jaideep Singh, Dy.GA respondents/State.

This order shall be decided W.P.No.15522/12, W.P.No.16168/12, W.P.No.16718/12, W.P.No.17128/12, W.P.No.17350/12 and W.P.No.18788/12.

Learned counsel for the petitioners submitted that the controversies of this case are squarely covered by the judgment passed by this Court in W.P.No.13890/12- Ku.Vidhya Parashar versus State of M.P.& others decided on 20.9.2012.

It is further submitted that the aforesaid position is not disputed in Ku.Vidhya Parashar (supra). These cases may be disposed of in terms of the order passed in Ku.Vidhya Parashar (supra). The order passed in Ku.Vidhya Parashar (supra) may be referred which reads thus:- A prayer is made by the petitioners that the controversies involved in this case are identical to the facts of Writ Petition No.15025/2011 Smt.Vartika Tripathi versus State of M.P. decided on 7.8.2012 and similar directions may be issued in the case.

Shri P.K.Kaurav, learned counsel appearing for respondents No.1 to 3 submits that the name of petitioner alongwith Smt.Vartika Tripathi is appearing in the list Annexure P/11 and their cases are identical, so this petition can also be disposed of finally in terms of the directions issued in Vartika Tripathi.

Petitioners herein have sought following reliefs:- (1) It is, therefore, prayed that this Hon'ble Court may kindly be pleased to summon the record relating to the subject matter of the petition.

(2) It is, therefore, prayed that this Hon'ble Court may kindly be pleased to command the respondents to declare the result of the examination held on 31.12.2010 for the degree of Bachelor of Education.

(3) That, the Hon'ble Court may be pleased to command the respondent No.4 College to refund the amount which was illegally taken from the petitioners.2 W.P.No.17350/2012 20.12.2012 (4) Any other relief which this Hon'ble Court may deem fit and proper in the facts and circumstances of the case including cost of the litigation may kindly be awarded in favour of the petitioner.

Contention of the petitioners is that their result was not declared for the academic sessions 2009-10 and the case of petitioners are identical to the facts of Vartika Tripathi whose case has already been decided.

In Vartika Tripathi, a Division Bench of this Court considering similar circumstances directed thus:- 5.

It is not in dispute that the petitioner was given admission in the Institution by the State Government through online counselling.

It is also not in dispute that the Institution was approved for conducting B.Ed.

CouRs.for the academic session 2009-10 by the National council for Teacher Education.

There is even no denial by the Barkatullah Vishwavidyalaya that it did not issue admission card, Annexure P5, to the petitioner for appearing in the main examination.

Thus, the petitioner is not found to be at fault in any manner from the stage of taking admission in the Institution till the examination held by the Barkatullah Vishwavidyalaya.

If the Barkatullah Vishwavidyalaya had withdrawn the affiliation of the Institution, it should not have issued the admission card for examination to the petitioner and allowed her to appear in the same.

The fault, therefore, lies more on the Barkatullah Vishwavidyalaya.

In the fact situation of the case, we are of the view that at this stage it would be wholly unfair and unjust to deny the petitioner a decree of B.Ed.

6. We accordingly allow the petition and direct the Barkatullah Vishwavidyalaya to immediately declare the result of petitioner of B.Ed.

Examination.

As the case of the petitioners are identical, this petition is also finally disposed of in terms of the directions issued by the Division Bench in Vartika Tripathi (supra).Aforesaid directions shall be applicable to the petitioners as far as they are applicable.

3 W.P.No.17350/2012 20.12.2012 As the controveRs.is identical, these petitions are finally disposed of in terms of the directions issued by this Court in Ku.Vidhya Parashar (supra).Aforesaid directions shall be applicable in the present cases, as far as they are applicable.

No order as to costs.

C.C.as per rules.

(Krishn Kumar Lahoti) (Smt.Vimla Jain) Judge Judge C.

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