

Sushma Sanjappa Vs. Visvesvaraya Technological University, Belgaum District and Another

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Court : Karnataka

Decided On : Jul-20-2015

Judge : H.G. Ramesh

Appeal No. : Writ Petition No. 28464 of 2015 (EDN-RES)

Appellant : Sushma Sanjappa

Respondent : Visvesvaraya Technological University, Belgaum District and Another

Judgement :

(Prayer: This Writ Petition is filed under Articles 226 and 227 of the Constitution of India praying to call for the entire records pertaining to the case of the petitioner and quash the impugned endorsement dated 02.07.2015 issued by R-1 vide Ann-K as the same is violative of Articles 14 and 16 of the Constitution and etc.)

H.G. Ramesh, J. (Oral):

1. Is it permissible for this Court to interfere with the eligibility criteria prescribed by a University for admission to a course of study?

This is the question that needs determination in this case.

2. In this writ petition, the petitioner is seeking for quashing of the communication dtd. 02,07.2015 (Annexure-K) issued by Visvesvaraya Technological University disapproving her admission to M.Tech Course in Computer Science and Engineering for the academic year 2014-15 on the ground that she did not possess the academic qualification required for admission to the aforesaid M.Tech Course.

3. The impugned communication reads as follows:

"Ref:VTU/Gen/2015-16/2400 Date:2-JUL 2015

Sub: Non Consideration of your representation-reg...

Ref : 1. Hon'ble High Court order dated 2-6-2015

2. Your representation dated 20-06-2015

With reference to the above, the following is informed

1. You sought admission to M.Tech. (Computer Science and Engineering) at Dayananda Sagar College of Engineering, Bengaluru during the academic year 2014-15.

2. Your admission to the above said course was not approved by VTU as your academic qualification are not as per this office Notification VTU/Aca/Academic - Cir/2014-15/2591 dt: 28-6-2014. f

3. The same was informed to you vide this office letter VTU/Aca/2014-15/AI/8836 dt.20-11-2014 through the Principal of Dayananda Sagar College of Engineering Bengaluru.

4. The said Notification was sent to all colleges well in advance before the admission to M.Tech. courses were commenced. Hence, there is no miscommunication between VTU and the college, as said in your representation dated 20-06-2015.

Hence, as informed earlier, we regret to inform you that your admission to M.Tech. (Computer Science and Engineering) cannot be considered as your academic qualification are not as per this office Notification VTU/Aca/Academic-Cir/2014-15/2591 dt. 28 06-2014.

sd/-

REGISTRAR "

(Underlining supplied)

4. The case of the petitioner is that she was admitted to M.Tech Course in Computer Science and Engineering for the academic year 2014-15 in respondent No.2-college. The petitioner is a graduate in Bachelor of Engineering in Electronics and Communication. Her admission to the M.Tech Course is not approved by the University on the ground that she did not possess the required academic qualification. Hence, this petition.

5. I have heard the learned Counsel appearing for the parties and perused the record. Learned Counsel for the petitioner, in support of the writ petition, relied on the following decisions:

i) A.Sudha v. University of Mysore [(1987)4 SCC 537]

ii) Archana vs University of Mysore [ILR 1990 KAR 522]

iii) Order dated 21.10.2013 made in WP No.38096/2013 (Mohammed Mohiuddin Hussain vs. RGUHS)

6. Learned Counsel appearing for respondent No.1- University submitted that the eligible academic qualification prescribed for admission to M.Tech Course in Computer Science and Engineering is Bachelor's Degree in Engineering or Technology in Computer Science and Engineering/Information Science and Engineering, AMIE in the appropriate branch, GATE: CS. Admittedly, the petitioner did not possess any of the aforesaid qualifications to be eligible for admission to M.Tech course in Computer Science and Engineering for the academic year 2014-2015.

7. The decisions relied on by the petitioner's counsel were rendered on its own facts. No proposition of law is laid down in the said cases to the effect that even if a candidate does not possess the prescribed academic qualification required for admission to a course of study, he could be admitted to such a course.

8. In my opinion, it is not permissible for this Court to interfere with the eligibility criteria prescribed by the University for a course of study, unless it is contrary to law. *f*

9. It is relevant to state that the University had intimated to all the engineering colleges including petitioner No.2- college, the revised eligibility criteria for admission to various M.Tech programmes by notification dtd. 28th June 2014 well before the commencement of M.Tech Courses for the academic year 2014-15. As could be seen from the impugned communication, disapproval of the admission was intimated to the petitioner through the college as early as in November, 2014. I find no mistake on the part of the University. The mistake is of the college in admitting the petitioner though she was not eligible to be admitted for the course. I find no legal infirmity in the impugned communication dated 02.07.2015 (Annexure-K) issued by the University warranting interference under the extraordinary jurisdiction of this Court under Articles 226 and 227 of the Constitution of India. The writ petition is accordingly dismissed.

Petition dismissed.

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