

Purnima Singh Vs. State of U.P. and ors.

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Court : Allahabad

Decided On : Nov-10-2004

Reported in : (2005)1UPLBEC293

Judge : Arun Tandon, J.

Appeal No. : Civil Misc. Writ Petition No. 32167 of 2004

Appellant : Purnima Singh

Respondent : State of U.P. and ors.

Advocate for Def. : Sunita Agrawal, Adv. and ;S.C.

Advocate for Pet/Ap. : S.K. Mishra, Adv.

Disposition : Petition dismissed

Judgement :

Arun Tandon, J.

1. Heard Sri S.K. Mishra Advocate on behalf of the petitioner, Srimati Sunita Agarwal Advocate on behalf of Respondent No. 1 and Standing Counsel on behalf of Respondent No. 1.

2. Purnima Singh, the petitioner, claims to have appeared in the Entrance Examinations conducted by the Deen Dayal Upadhyaya Gorakhpur University,

Gorakhpur for admission to B.Ed. course for the academic session 2004-05. The result of the said examination was declared on 21.7.2004. The petitioner having cleared the entrance examination was issued a call letter for counselling and for that purpose she was required to appear at University Campus on 3.8.2004. On 3.7.2004 the Head of B.Ed. Department refused admission to the petitioner in B.Ed. course on the ground that the certificates of Rashtriya Sewa Yojana (National Service Scheme) (hereinafter referred to as N.S.S.) enclosed by her for the purposes of claiming weightage of 15 marks because of her having worked for more than 240 hours under the National Service Scheme with at least two special camps, was factually incorrect and therefore, she is not entitled to 15 weightage marks which have been wrongly awarded to her. It was also pointed out that the N.S.S. certificate enclosed by the petitioner was not counter signed by the Vice Chancellor of the University nor it has been issued by the University. Feeling aggrieved by the aforesaid action of the respondents the petitioner has filed the present writ petition for a writ of mandamus directing the respondents to admit the petitioner in B.Ed. course.

3. A counter-affidavit has been filed on behalf of the University. Along with the counter-affidavit the application form submitted by the petitioner has been enclosed whereunder she has claimed 15 weightage marks because of her being possessed of the certificate of N.S.S. The respondents have also brought on record copy of the rules for admission which were enclosed as part of the application form and circulated to all the students concerned, on the basis whereof it is contended that the petitioner is not entitled to any weightage marks and therefore, it is asserted that the petitioner has rightly been refused admission in B.Ed. course.

4. For the purposes of appreciating the controversy raised in the writ petition following facts are material. It is an undisputed fact that in the application form the petitioner had claimed 15 weightage marks because of her being possessed of N.S.S. certificate. A copy of the N.S.S certificate enclosed by the petitioner along with her application form and relied upon by the petitioner has been filed as Annexure-6 to the writ petition, which reads as follows:-

izek.k&i;=

izekf.kr fd;k tkrk gS fd iwf.kZekflag iq=h Jh j.kfot; izrki flag us bl egkfo|ky; ls jk'Vh; lsok ;kstuk dhf}rh; bdkbZ esa o'kZ 2001&2002 ,oa 2002&2003 esa Hkkx fy;k A budkdk;Z 120 ?k.Vsa rd gqvk A nl fnolh; fo'ks'k f'kfoj fnl fnuksa rd dke fd;k A

gLrk{kj

izkpk;Z]

dk;Ze nhukukFk ik.Ms; jktdh; efgyk

vf/kdkjh LukrdsRrj egkfo|ky;] nsfj;k A

jk- ls- ;kstuk eksdj

izkpk;Z]

nhukukFk ik.Ms; jktdh; efgyk

LukrdsRrj egkfo|ky;] nsfj;k A

5. For the purposes of determining as to whether in view of the said certificate the petitioner is entitled to 15 weightage marks as claimed by her or not reference may be had to the relevant clauses of the rules applicable for admission to B.Ed. course as notified by the University, copy whereof has been enclosed as Annexure-CA-2 to the counter-affidavit filed by the University, the relevant portions whereof are as follows:-

jk'Vh; lsok ;kstuk dsvUrxZr 240 ?k.Vs dh lsok ,oa nks ;k nks ls vf/kd fo'ks'k f'kfoj esa Hkkxysus okys vH;FkhZ dks 15 vad

;k

jk'Vh; lsok ;kstuk dsvUrxZr 240 ?k.Vs dh lsok ,oa ,d fo'ks'k f'kfoj esa Hkkx ysus okys vH;FkhZdks 10 vad

;k

jk'Vh; lsok ;kstuk dsvUrxZr 240 ?k.Vs dh lsok djus okys vH;FkhZ dks 5 vad

jk'Vh; lsok ;kstuk dkizek.k&i;= fo'ofokjy; }kjk iznRr ,oa dqyifr }kjk izfrgLrk{kfjr gksus ij ghekU; gksxk A

6. The applicability of the aforesaid conditions has not been disputed on behalf of the petitioner. From the conditions so reproduced, it is apparently clear that a candidate who has completed 240 hours of service with attendance in two special camps of N.S.S. alone is entitled to 15 weightage marks. A candidate having rendered 240 hours of service with attendance in one special camp of N.S.S. is entitled to 10 weightage marks while a candidate with service of 240 hours only is entitled to 5 weightage marks. It is clear from the aforesaid provisions that before any weightage can be awarded by a candidate it is mandatory that he must have completed at least 240 hours of service in N.S.S. The number of marks may vary having regard to the number of special camps attended by the candidate but the requirement of 240 hours service is a condition precedent for any weightage marks being awarded in all the three categories. From the certificate which has been enclosed by the petitioner it is apparent that the petitioner has been certified to have put in 120 hours of service in Rashtriya Sewa Yojana (N.S.S). In view of the aforesaid it is admitted position that the petitioner has not put in 240 hours of service in N.S.S. and therefore, she does not fulfill the essential qualifications for grant of any weightage marks. Further the certificate which has been enclosed by the petitioner along with the application form has admittedly been signed/issued by the Principal of the institution and counter signed by the Project Officer. Under the clause providing for weightage marks there is a specific endorsement that the certificate must be issued by the University and counter signed by the Vice Chancellor. The certificate produced by the petitioner does not satisfy the requirement of the aforesaid clause also.

7. In view of the above there is no illegality or infirmity in the action of the University refusing admission to the petitioner in B.Ed. course. The writ petition is accordingly dismissed. No order as to costs.