

P. Ranjitha Vs. University Grants Commission and ors.

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Court : Delhi

Decided On : Mar-12-1990

Reported in : 41(1990)DLT444

Judge : N.N. Goswamy and; P.N. Nag, JJ.

Acts : [Constitution of India](#) - Article 226

Appeal No. : Civil Writ Petition Nos. 2679 and 4093 of 1989

Appellant : P. Ranjitha

Respondent : University Grants Commission and ors.

Advocate for Pet/Ap. : Mamta Mehra,; Arun Jaitley,; M.K. Chatterjee and;

Judgement :

R.N. Nag, J.

(1) Rule, D.B.

(2) The petitioner has challenged the impugned letter No. PGS/Appeal. No. 1810/89 dated September 11, 1989 written to her by respondent No. 3 whereby her admission to M.Sc. in Agricultural Economics for the session 1989-90 has been kept in abeyance pending decision by the competent authority with regard to her eligibility for admission to M.Sc. programme at the I.A.R.I. (Indian Agricultural

Research Institute) and has also sought to restrain the respondents from preventing the petitioner from pursuing the course of M.Sc. in the Institute, i.e.. respondent No. 2 to which she has already been admitted.

(3) The petitioner is a B. Com. Graduate with Economics as one of the subjects from Osmania University and has secured 81.08% marks. After having come to Delhi in pursuit of higher studies, she applied for M.Sc. in Agricultural Economics to respondent No. 2 being eligible for such a course according to the Prospectus (Information Bulletin) issued by the I.A.R.I. and also the advertisement. The minimum qualification of eligibility as laid down in the prospectus has been given in para 9 of the petition. Accordingly a candidate must satisfy the minimum eligibility of qualification of Social Science (Economics) and one of the special qualifications of the discipline of Agricultural Economics as 'B. Sc. (Ag.), or Bachelor's degree (with Economics as one of the subjects)'. Admittedly, the petitioner possessed a Bachelor's degree in Commerce with Economics as one of the subjects and as such she applied for admission to the course of Agricultural Economics. According to the petitioner, as per para 6.24 of the Calendar issued by I.A.R.I. the application of the petitioner for M.Sc. course was screened and she was found eligible for the said course and as such she was allotted Roll No. 101-0005 for the written entrance test scheduled to be held on August 20, 1989 at 9.30 A.M. The petitioner topped in the written entrance test and was selected by the Academic Council for admission to the said course. Consequently vide letter dated September 1, 1989, annexure 'F' to the petition, she was asked to deposit dues up to September 11, 1989 as also to comply with other formalities which she did and as such she was admitted to the course. However, the petitioner received the impugned letter dated September 11, 1989 informing her that her admission has been kept in abeyance pending decision by the competent authority with regard to her eligibility. It fact, during the course of arguments, Mr. Jaitley, learned Addl. Solicitor General appearing for respondents, informed the court that the decision has been taken by the Academic Council and the petitioner has been found 'not eligible'.

(4) The case set up by respondents 2 to 4 in their counter affidavit, in substance, is that the petitioner does not possess the requisite qualification for seeking

admission to M.Sc. (Agricultural Economics) course in the Institute. The advertisement inviting candidates for admission to the said course made it specifically clear that candidates having only Bachelor's Degree in Social Science (Economics) would be eligible for admission to the said course. Similarly in the prospectus it has been so clearly stated. The said Bachelor's degree, i.e.. Social Science (Economics) has to be a Bachelor's degree in Social Science (Economics), which essentially means that Economics has to be the principal subject or Honours in Economics. The petitioner, admittedly, possesses degree in Commerce and she never had Economics as a principal subject inasmuch as Economics forms a subject of the B.A. Economics Honours (or Main) Course. According to them, the B. Com. degree- holders are not eligible to seek admission to M.A. Economics course. Mathematics is a compulsory paper in B.A. Economics course whereas a student who possesses a B. Com. degree forming Economics as a subject or paper may or may not pursue Mathematics as a subject. The students of B. Com. do not have full and complete study in depth with regard to the subject of Economics which is pursued by students of B.A. Economics degree. Respondent No. 2 never contemplated a situation wherein a student of B. Com. would be admitted to M.Sc. Agricultural Economics course. The respondents in their counter affidavit, however, have stated that a mistake at the administrative level of the Institute had occurred which has resulted in permitting the petitioner to sit for the written test admittedly not having the minimum qualification for admission to pursue the said course. therefore, the respondents had to keep the admission of the petitioner in abeyance by passing the impugned order. The petitioner cannot be allowed to take advantage of the said mistake somewhere at the administrative level of the Institute. The respondents had to pass the impugned order in view of the fact, and circumstances of the case. The final decision with regard to the admission of the petitioner to the course has to be taken by the Academic Council which is the supreme academic body and pending that decision it would be in the fitness of thing in the administration of justice to keep the admission of the petitioner in abeyance till such time.

(5) During the course of arguments, learned counsel for the petitioner Ms. Marnta Mehra, submitted that the petitioner is fully eligible for admission to M.Sc. course to which she has already been admitted as she possesses First Class Degree

from Osmania University with Economics as one of the subjects. The advertisement inviting applications for admission to the said course and also the prospectus of the respondents unequivocally makes it clear that the requisite qualification for admission to M.Sc. (Agricultural Economics) is a Bachelor's degree with Economics as one of the subjects. But it is nowhere stated that the Bachelor's degree should be only in Economics or Economics should be the main subject or principal subject. Since the petitioner admittedly possesses a Bachelor's degree in Commerce with Economics as one of the subjects, she is fully covered both by the advertisement as well as the prospectus.

(6) We have carefully considered the contention of the learned counsel for the petitioner and we find good deal of force in her submission. The eligibility criteria laid down in the prospectus as well as in the advertisement clearly stipulates that for the purpose of admission to M.Sc. (Agricultural Economics) a candidate must possess Bachelor's degree with a minimum of 55% marks in Social Science (Economics) and for a discipline of Agricultural Economics, a Bachelor's degree with Economics as one of the subjects. It is nowhere mentioned that a Bachelor's degree in Social Science (Economics) should be a degree with Economics as principal subject or the Honours in Economics. Furthermore, it does not provide that a student who has got a degree in Social Science (Economics) or Bachelor's degree (with Economics as one of the subjects) must have mathematics compulsory paper. The eligibility criteria laid down in the prospectus as well as in the advertisement only provide that candidate must possess the Bachelor's degree with Economics as one of the subjects and not a Bachelor's degree with Economics as principal subject or Honours in Economics or compulsory paper in Mathematics. thereforee, since the petitioner holds a Bachelor's degree in Social Science with Economics as one of subjects, in our view, she no doubt possesses the requisite qualification and she is Fully eligible to be admitted to the M.Sc. (Agricultural Economics).

(7) Mr. Arun Jaitley, Addl. Solicitor General, appearing on behalf of the respondents, vehemently contended that the eligibility criteria laid down in the prospectus and the advertisement, if interpreted together, can only lead to one interpretation that the candidate must possess a Bachelor's degree in Social

Science (Economics) with Economics as one principal subject or the Honours in Economics and one of the qualifications provided for the discipline of Agricultural Economics as Bachelor's degree with Economics as one of subjects should be read as Bachelor's degree with Economics as principal subject or Honours in Economics, This also seems to be the intention of the provisions of the prospectus. We are unable to accept this contention as it is nowhere slated that the eligibility of having Bachelor's degree with Economics as one of subjects refers to the principal subject or Honours in Economics and we cannot add such words in such qualification. It is basic rule of interpretation when the phraseology of an enactment is clear and unambiguous and capable of only one interpretation, it is not open to the courts to speculate the intention of the legislature and give a go-bye to the interpretation simply with a view to carry out what is supposed to be the intention of the legislature. When it is a question of construing an express provision without ambiguity, the question of the legislature does not come at all. therefore, it is not permissible to add certain words in one of the qualifications prescribed for the discipline of Agricultural Economics and we necessarily have to interpret the words as they exist.

(8) He next submitted that whenever there is a dispute or ambiguity about the criteria of eligibility for admission to a course, the decision of the Academic Council should be final and in this case the Academic Council has already decided that the petitioner is not eligible to be admitted to M.Sc. course as she holds a degree in Commerce with Economics as one of subjects. It is no doubt true that in academic matters courts are normally reluctant to interfere. However, when the interpretation of law is involved and the the courts are called upon to decide the matter, it becomes the duty of courts to give a correct interpretation of law as it is and they should not be guided by the supposed intention of the provisions, as interpreted by the Academic Council, when the interpretation does not involve any ambiguity or other interpretation.

(9) It was next contended by petitioner's counsel that the respondents are estopped from re-considering the eligibility of the petitioner at this stage, when after due scrutiny of her application and having topped the list in the written examination she has been admitted and is continuing her studies. The petitioner

has taken this ground in paragraph 24 (vi). The admitted facts which have emerged from the pleadings in this context are that the petitioner applied in view of the advertisement issued by the respondent- Institute and she clearly gave particulars in the application that she possessed Bachelor's degree in Commerce with Economics as one of subjects, which application was duly screened and verified as per para 6.24 of the Calendar and was also issued the roll number for appearance in the written entrance test. Consequently she appeared and topped in the test and the Academic Council as such selected her for admission to M.Sc. (Agricultural Economics) course and was asked to comply with other formalities and for deposit of fees/dues which she did. She never made any misrepresentation or concealed any facts from the authorities. She had been admitted on the basis of the correct information given by her in the application form submitted in view of the advertisement and the prospectus issued by the Institute after having qualified and topped in the written test and also found qualified by the Academic Council. Further, she filed the present writ petition against the impugned order and obtained court's orders dated September 26, 1989 and November 1, 1989 vide which she was allowed to attend the classes in the course to which she had been admitted and was also directed to be given all facilities which were given to regular students. Although, she is at present continuing in her studies under the court's orders nevertheless the fact remains that she is still continuing her studies. As a matter of fact, the petitioner on the basis of representation/promise given by the respondents in the advertisement and prospectus acted and applied for admission and ultimately got admission and joined the studies and as such altered her position and the respondents by having made such representation knew fully well that such representation would be acted upon by the petitioner. therefore, on the basis of doctrine of promissory estoppel, the respondents would not be permitted to back out of the promise and to deny or cancel her admission.

(10) Mr. Jaitley, learned Addl. Solicitor General, strongly contended that promissory estoppel Can not apply in this case as the petitioner has not pleaded anything which would show that she had acted to her detriment. This contention of learned Addl. Solicitor General is wholly untenable. In this connection the observations of the Supreme Court in M/s Motilal Padampat Sugar Mills Co. Ltd. v.

The State of Uttar Pradesh and Others : [1979]118ITR326(SC) may be referred to :

'We do not think that in order to invoke the doctrine of promisor stopple it is necessary for the promisee to show that he suffered detriment as a result of acting in reliance on the promise. But we may make it clear that if by detriment we mean injustice to the promisee which would result if the promisor were to recede from his promise, then detriment would certainly come in as a necessary ingredient. The detriment in such a case is not some prejudice suffered by the promisee by acting on the promise, but the prejudice which would be caused to the promisee, if the promisor were allowed to go back on [his promise If this is the kind of detriment contemplated, it would necessarily be present in every case of promissory estoppel, because it is on account of such detriment which the promisee would suffer if the promisor were to act differently from his promise, that the Court would consider it inequitable to allow the promisor to go back upon his promise. It would, therefore, be correct to say that in order to invoke the doctrine of promissory estoppel it is enough to show that the promisee has, acting in reliance on the promise, altered his position and it is not necessary for him to further show that he has acted to his detriment.'

(11) Needless to say that by admission to the course the petitioner definitely has altered her position and if the respondents are allowed to back out of the promise and admission is interfered with, she will definitely suffer injustice and detriment in that sense. Even otherwise, we cannot overlook the fact that the petitioner has brilliant academic record and topped the list and because of such confidence in her presumably she did not apply to any other course or university or institute and had she appeared she would have been selected. In that sense, she has acted to her detriment.'

(12) Next, a faint attempt was also made by Shri Jaitley, learned Addl. Solicitor General, that the application of the petitioner was erroneously scrutinised and by mistake she was admitted by the administration and she should not be permitted to take benefit of the bonafide error of the respondents. As already held, she fully satisfies the eligibility criteria for admission and there is no mistake in her

admission. therefore, this contention also fails. However, respondents and Academic Council since have interpreted the provision differently with different intention, they may amend the prospectus accordingly for the future but at this stage nothing can be done.

(13) Lastly, as already stated, the course of M.Sc. Part I is almost over and the petitioner has already been admitted and still pursuing her studies. It would be highly unequitable, unjust and hard to displace her from studies, to which she has already been admitted at this stage.

(14) In the result, the petition succeeds and is allowed. The impugned letter dated September 11, 1989 is quashed and the respondents are restrained from preventing the petitioner from pursuing the course of M.Sc. (Agricultural Economics) in the Institute. The petitioner shall also be entitled to costs : counsel's fee Rs. 1,000.00 .

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