

Surendra Kumar Vs. Jai Narayan Vyas University and ors.

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Court : Rajasthan

Decided On : Jan-21-1999

Reported in : 1999(3)WLC202; 1999(1)WLN89

Judge : B.J. Shethna, J.

Appeal No. : S.B. Civil Writ Petition No. 3692 of 1998

Appellant : Surendra Kumar

Respondent : Jai Narayan Vyas University and ors.

Disposition : Petition dismissed

Judgement :

B.J. Shethna, J.

1. The point in question is covered against the petitioner-student by not one judgment but plethora of judgments of this Court, but I will quote only some of them viz., (i) Sharmila Bhotra v. JNV University-SB Civil Writ Petition No. 965/98 decided on 3.4.1998; (ii) Ashok Kumar v. JNV, University SB Civil Writ Petition No. 1037/96 decided on 12.4.1996 & (iii) Om Prakash v. JNV University- SB Civil Writ Petition No. 2658/98 decided on 3.1.1998. Thus, different Hon'ble Judges of this Court have taken same view in the matter regarding the matter of 10+2+3 for getting admission.

2. Under the circumstances, it cannot be said that the respondent University was wholly unjustified in refusing admission to the petitioner only on the ground that he was having degree from Usmania University. Learned Counsel Shri Bhandari has also placed on record a Division Bench Judgment of this Court in DB Special Appeal No. 848/95 decided on 7.3.1996. In that case the student of this University was denied admission only on the ground that he had not undergone the study of course of 10+2+3. There is also a judgment of Hon'ble Supreme Court In case of Rajendra Prasad Mathur v. Karnataka University and Anr. AIR 1986 SC 1448 taking the same view regarding pattern of 10+2. That apart, in number of cases the Apex Court has taken a view that the Court should be slow in interfering in educational field.

3. However, learned Counsel Shri Joshi tried to distinguish the aforesaid judgments of this Court by submitting that Statute 7 which is regarding powers of the Academic Council of First Statute of the Jodhpur University Act, 1962 was not a all taken into consideration by this Court in any of its aforesaid judgments. He also submitted that the reliance placed by the University of Statute 9-B has also no relevance. Thus,, the sum and substance of the submission of Mr. Joshi was that all the aforesaid judgments of this Court were per incurium.

4. I am afraid this submission of Mr. Joshi cannot be accepted for the simple reason that it is well settled law that when the Court decides the matter, it has to be presumed that all the relevant provisions of the Act and the Rules were present in the mind of the Court. It is not necessarily that the same may be dealt with directly or indirectly in the judgment. Under the circumstances, there is no question of either distinguishing the aforesaid judgments or referring the matter to the larger Bench for the reconsideration of the view taken by different Judges of this Court.

5. Before parting, I must state that learned Counsel Shri Joshi has put a lot of labour in this matter but in view of the law laid down by this Court, nothing can be done by me in this petition.

6. In view of the above, this petition fails and is dismissed.

