

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No. 12254 of 2015
Date of decision: 26.08.2015

SimmiPetitioner(s)

Versus

Guru Ravidas Ayurvedic University & others ...Respondent(s)

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present: Mr. G.S.Bal, Sr.Advocate
with Ms.Manju Sharma, Advocate, for the petitioner.

Mr. T.S.Chauhan, Advocate, for respondents No.1 & 2.

Mr.Yogesh Goel, Advocate, for respondent No.4.

G.S.SANDHAWALIA, J. (Oral)

In the present writ petition, the petitioner seeks quashing of the orders dated 27.05.2015 & 30.05.2015 (Annexures P11 & P12), whereby the petitioner's admission in BAMS Course 2014-15, has been cancelled.

The reasoning given in the order dated 27.05.2015 (Annexure P11), after hearing the petitioner along with her father, was that she had not cleared the subject of Chemistry in the 10+1 examination, from the concerned school, namely, Kendriya Vidyalaya 2, Army Area, Pathankot.

The case of the petitioner is that the petitioner had shifted to Saint Thomas Senior Secondary School, Pathankot and was permitted to sit in the supplementary examination of the said subject in September, 2013 and she had, thereafter, passed the said subject.

It is not disputed that the petitioner was given admission in the Saint Thomas Senior Secondary School, Pathankot, in the 12th class in the year 2013 and she passed out in the year 2014 and took admission in the BAMS on 16.09.2014.

In the counselling held on 16.09.2014 (Annexure R1/3), it has been specifically mentioned that she had done her 10+1 from Kendriya Vidyalaya, Pathankot and 12th class from the Saint Thomas Senior Secondary School, Pathankot. Now, reliance is placed upon the certificates (Annexures P9 & P14) issued by the Ex-Principal of Saint Thomas Senior Secondary School, Pathankot wherein it has been certified that the petitioner had secured 23 marks and had passed the compartmental examination. A similar certificate dated 02.06.2015 (Annexure P14) was also issued wherein the said fact was mentioned that marks were out of 70. It is the case of the respondent-Saint Thomas Senior Secondary School that the services of the said Principal had also been terminated on account of various violations. The certificates are pleaded to be false certificates by the said school.

Counsel for the petitioner has, though, relied upon the said certificate dated 11.07.2014 (Annexure P5) to show that she had secured 42 marks in 10+1.

Counsel for the respondent-University has rightly pointed out that the student would necessarily have to pass in a class so that admission could be taken in the next class.

In the present case, it is admitted that after migrating from Kendriya Vidyalaya, Pathankot 2, the petitioner had also completed her +2 class. It is, in such circumstances, not possible for the petitioner to have taken admission, firstly, in the +2 class and also cleared the said examination of +1. Relevant clause relied upon by the counsel for the respondent-University provides that admissions to other schools have to be after passing, making the student eligible for the said class, reads as under:

“1. Admission of Students to a school: Transfer/Migration of Students

1.1 (a) A student seeking admission to any class in 'School' will be eligible for admission to that class only if he:-

(i) has been studying in a school recognised by or affiliated to this Board or any other recognised Board of Secondary Education in

India;

- (ii) has passed qualifying or equivalent qualifying examination making him eligible for admission to that class;
- (iii) satisfies the requirements of age limits (minimum and maximum) as determined by the State/U.T. Government and applicable to the place where the school is located; and
- (iv) produces:-
 - (a) the School Leaving Certificate/transfer certificate signed by the Head of the Institution last attended and countersigned;
 - (b) document(s) in support of his having passed the qualifying or equivalent qualifying examination; and..,”

In such circumstances, having failed to clear +1 examination, admission could not be granted in +2, therefore, the cancellation of the admission cannot be held to be not justified, in any manner. The petitioner was given an opportunity of hearing before the said order was passed and thus, there is no violation of any principle of natural justice. Having failed to pass the 10+1 class, the subsequent school could not have held any examination for the 10+1 class. Resultantly, there is no scope for interference in the impugned order.

Writ petition, accordingly, stands dismissed.

26.08.2015
sailesh

(G.S. SANDHAWALIA)
JUDGE