

**IN THE GAUHATI HIGH COURT**

(THE HIGH COURT OF ASSAM : NAGALAND : MIZORAM AND  
ARUNACHAL PRADESH)

**ITANAGAR BENCH**

**WP (C) 389 (AP) 2013**

Seema Kumari,  
Pach Ali, Tezu,  
P.O. Tezu, District - Lohit,  
Arunachal Pradesh.

..... **Petitioner.**

- **VERSUS** -

1. Union of India,  
Through Secretary,  
Ministry of Human Resource and Development,  
Government of India, New Delhi.
2. Rajiv Gandhi University,  
Through Registrar,  
Rono Hills, Itanagar,  
Arunachal Pradesh.
3. Indira Gandhi Government College,  
Through Principal, Tezu,  
Tezu, P.O. Tezu,  
District - Lohit,  
Arunachal Pradesh.
4. CBSE,  
Through Regional Director,  
CBSE, Shilpo Gram Road,  
(Near Sankar Dev Kalakshetra),  
Panjabari, Guwahati-781037.

..... **Respondents.**

Advocates for the Petitioner : Mr. D. K. Deori

Advocate for the Respondents : Mr. M. Partin, CGC.,  
Mr. T. T. Tara.

- **BEFORE** -

**THE HON'BLE MR. JUSTICE MANASH RANJAN PATHAK**

Dates of Hearing : 17<sup>th</sup> July 2014.

Dates of Judgment & Order : 17<sup>th</sup> July 2014.

**JUDGMENT & ORDER (ORAL)**

Heard Mr. D. K. Deori, learned counsel for the petitioner and Mr. Muk Pertin, learned CGC, appearing on behalf of the respondent Nos. 1 to 4.

2. Mr. D. K. Deori, learned counsel for the petitioner submitted that the petitioner, namely, Seema Kumari, passed Class-XII, All India Senior School Certificate Examination (AISSE, in short) 2012 with Roll No. 3612658 conducted by the Central Board of Secondary Education (CBSE, in short), New Delhi in May, 2012 from Government Higher Secondary School, Tezu, Lohit District, Arunachal Pradesh and thereafter applied for her Graduation admission, in the B. Com. 1<sup>st</sup> year, Session 2012-13, in the Indira Gandhi Government College (I.G. Govt.College, in short) at Tezu, affiliated to Rajiv Gandhi University, Rono Hills, Arunachal Pradesh. The college authority of I.G. Govt. College, after verifying the application form and the testimonials of the petitioner, given her admission in the said college in the B. Com. 1<sup>st</sup> year for the Session 2012-13 and also issued her the College Identity Card. In January, 2013, the petitioner filled up examination form for B. Com. 1<sup>st</sup> year examination to be held under the Rajiv Gandhi University and accordingly the University authority in April, 2013 issued her the Admit Card for regular B. Com. 1<sup>st</sup> year Examination, 2013 with Roll No. 13C14085 and accordingly, the petitioner appeared in the said B. Com. 1<sup>st</sup> year Examination, 2013 from I.G. Govt. College, Tezu.

3. In June 2013, the result of the B. Com. 1<sup>st</sup> year Examination, 2013 was declared in the website of the I.G. Govt. College, Tezu and the petitioner to her utter surprise found that her result was shown as 'W' (withheld) with remark 'REGN' (Registration). Thereafter, on her approach, the authority of the Rajiv Gandhi University for the first time informed the petitioner that she did not clear the subject 'English' in her class-XII AISSC Examination 2012 conducted by the CBSE.

4. Being aggrieved with such action of the University and the College authority, the petitioner has preferred this petition for a direction, amongst others, to allow her to continue and complete the B.Com course from Indira Gandhi Government College, Tezu under Rajiv Gandhi University.

5. Petitioner is aggrieved with the action of the said respondents on the ground that she was never informed at the time of her admission by the College authority or while issuing the Admit Card by the University Authority and further allowed her to appear in the B. Com. 1<sup>st</sup> year Examination 2013. Both the College as well as the University authorities did not intimate her at any point of time up to June 2013, till the declaration of her result of said B. Com. 1<sup>st</sup> year Examination 2013 that the condition to pass 'English' as a subject in her Class-XII final AISSC Examination 2012 is must for her admission to B. Com. 1<sup>st</sup> year and had she been intimated earlier in time by the University and/or the College authority, the petitioner would have explored some other option to continue academic career in other College/University where no such condition is prescribed. It is submitted on behalf of the petitioner that as she had already completed B. Com. 1<sup>st</sup> year Session 2012-13 and also appeared in the B. Com. 1<sup>st</sup> year Examination, 2013, the respondent authorities should declare her result and should allow her to join the B. Com. 2<sup>nd</sup> year in the interest of justice and in the right of education, otherwise, petitioner will suffer irreparable loss and injury, more particularly, a valuable academic year & session.

6. On the other hand, Mr. M. Partin, learned counsel for the respondents, by filing an affidavit on behalf of respondents No. 3, Indira Gandhi Government College, Tezu submitted that the petitioner appeared before the then Coordinator-cum-Scrutinizer of the Commerce Stream Admission Committee of the College on 14-07-2012 and on scrutinizing her documents and other testimonials, it was found that she did not pass in the subject 'English' in her Class-XII AISSC Examination 2012 for which her case was not considered for admission in the College at the first instant. However, as the petitioner and her guardian pressurised the said Coordinator, provisional admission was given to her in the College in the Commerce Stream at her own risk, subject to the fulfilment of University's conditions. In spite of several reminders by the said Coordinator and the Head of the Department of Commerce of the said College, the petitioner failed to produce a fresh Class-XII marks sheet with pass mark in 'English' as agreed upon by her at the time of her admission. Moreover, in anticipation of the registration by the University Authority, the petitioner was allowed to fill up B. Com. 1<sup>st</sup> year 2013 Examination Form and the University Authority issued her the

Admit Card for the said examination pending her registration. Mr. Partin further submitted that admission of a student in a College is complete only when registration of admission of the said student is allowed by the University to which the said college is affiliated and in the present case, as the petitioner did not pass her Class-XII AISSC Examination 2012 in the subject 'English', the University authority did not register her admission in the College under the said University.

7. Mr. Partin, learned counsel on behalf of the respondent No. 3 submitted that the College is very much responsive to the academic well being of its students and the College authority sympathetically addressed the problem of the petitioner by giving her provisional admission, with the condition that she will produce fresh Class-XII marks sheet with pass mark 'English' in order to save one year in her academic career, with the step expecting that such admission of the petitioner would go long way to enhance women enrolment in higher education; unfortunately the petitioner did not fulfil the required condition and failed to take the opportunity given to her which was in complete knowledge to her. AS such, Mr. Partin, submitted that the writ petition filed by the petitioner is not maintainable and liable to be dismissed.

8. Heard learned counsel for the parties at length and on due consideration of the matter, it is found from the mark sheet annexed to the petition that the petitioner did not pass the subject 'English Core' in her Class-XII AISSC Examination, 2012 and the subject 'English Core' being a compulsory subject, the petitioner is required to pass the same in her Class-XII AISSC Examination 2012 conducted by the CBSE.

9. Hence, there is no merit in this writ petition.

10. At this juncture, learned counsel for the petitioner Mr. D. K. Deori has submitted that the petitioner had already appeared in the AISSC (Compartmental) Examination for the subject 'English Core' conducted by the CBSE and passed in the said compartmental examination.

11. In such circumstances, in the event of her qualifying such AISSC (Compartmental) Examination conducted by the CBSE for the subject 'English Core' and production of fresh mark sheet the subject 'English Core' from the

said Board, the petitioner may take fresh admission in the 1st year Degree Course in College/Institution as per the rules and guidelines of the College/Institution and the University under which the said College/Institution is affiliated to.

12. With the aforesaid observations, the writ petition stands disposed of. No. order as to cost.

**JUDGE**

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