



HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 973/2024

Balram Yadav S/o Shri Badri Prasad Yadav, Aged About 20
Years, R/o Dhani Navodi, Village Arniya, Tehsil Shrimadhampur
District Neemkathana

----Petitioner

Versus

1. Rajasthan University Of Health Sciences, Sector-18,
Kumbha Marg, Pratap Nagar, Tonk Road, Jaipur
through Its Registrar
2. Comptroller Of Examinations, Rajasthan University Of
Health Sciences, Sector-18, Kumbha Marg, Pratap
Nagar, Tonk Road, Jaipur.
3. Rajasthan Para Medical Council, G-1, Kisan Bhawan,
Everest Colony, Near Apex-Mall. Lalkothi, Jaipur,
Through Its Registrar.
4. State Of Rajasthan, Through Its Principal Secretary
Medical And Health Department, Govt. Of Rajasthan,
Secretariat, Jaipur.
5. Principal And Controller, J.L.N. Medical College, Ajmer.
6. Central Board Of Secondary Education, Through Its
Chairman, Regional Office, PS 1-2, Patparganj, I.p.
Extension, Institutional Area, New Delhi-110092.

----Respondents

For Petitioner(s)	:	Mr. R.D. Meena with Mr. Nitin Jain and Mr. Hemant Kumar
For Respondent(s)	:	Mr. R.B. Sharma Ganthola Mr. Bharat Saini Mr. M.S. Raghav Mr. Vigyan Shah, AAG with Ms. Tanvisha Pant, Ms. Ritika Naruka and Mr. Yash Joshi

JUSTICE ANOOP KUMAR DHAND
Order

13/05/2025

Reportable



1. The instant writ petition has been preferred with the following prayer:



- "i) By an appropriate writ, order and direction in the nature thereof impugned letter dated 12.1.2024 as well as e-mail dated 12.1.2024 (Annex. 11) issued by the respondent University and College may kindly be quashed and set aside.
- ii) By an appropriate writ, order and direction in the nature thereof the respondent University may kindly be directed to allow enrollment to the petitioner taking into consideration that petitioner studying in Ist year B.Sc. MLT in Respondent No.5 College;
- iii) By an appropriate writ, order and direction in the nature thereof the respondent University and Respondent College may also be directed to allow the petitioner to continue the 3 years B.Sc. MLT course and appear in the examinations to be conducted time to time.
- iv) By an appropriate writ, order and direction in the nature thereof that any provision which deprived the petitioner from continue the study of B.Sc. MLT course and enrollment with Respondent University be quashed and set aside or direct the respondent University to relax the same in case of petitioner as per the facts and circumstances in the interest of Justice.
- v) or in alternative the respondent No.6 may kindly be directed to allow the petitioner to re-appear in the paper of Theory of Biology subject (code 044) in the next exam and the respondent University and College may also be directed that on qualifying of the said paper, consider the marksheet of said paper of petitioner and allow the petitioner to continue his study of the B.Sc. MLT course
- vi) Any other relief which this Hon'ble Court deems just and proper in the facts and circumstances of the case may also be given in favour of the Petitioner"

2. By way of filing this writ petition, a challenge has been led to the impugned order dated 12.01.2024 passed by the



respondents, by which the petitioner has been directed to submit document/proof with regard to passing Senior Secondary in subject Biology by him. A further prayer has been made for issuing directions to the respondents to enroll the petitioner and allow him to continue his studies in Bachelor of Science (Medical Lab Technology) (for short 'B.Sc. MLT').



3. Learned counsel for the petitioner submits that the petitioner, on the basis of his Senior Secondary certificate issued by the Central Board of Secondary Education (for short 'CBSE'), wherein he was declared as pass, took admission in B.Sc. MLT. Counsel submits that at the time of taking admission, the respondent i.e. Rajasthan University of Health and Sciences (for short 'the University') did not raise any objection with regard to his marks in subject Biology in Senior Secondary and admission was granted to him. Counsel submits that after completing one year of studies, at the time of appearing in the first year examination, the petitioner was not permitted to appear in the examination on the ground that he has not passed the subject Biology in Senior Secondary. Counsel submits that the mark-sheet of the petitioner was available with the respondent-University and on the basis of his mark-sheet, the admission was given to him, therefore, at this belated stage i.e. after passing of one year, the respondents cannot raise the aforesaid objection, hence, the relief sought for in this writ petition be granted to the petitioner.

4. Per contra, learned counsel for the respondents opposed the arguments raised by counsel for the petitioner and submitted that for getting admission in B.Sc. MLT, the basic



requirement is that a candidate must have passed Senior Secondary examination from any recognized Board with the subjects Physics, Chemistry and Biology. Counsel submits that in the subject Biology, the petitioner has secured 17 marks in theory paper out of 70 marks, consequently he has failed to secure the minimum passing marks i.e. 23 marks (i.e. 33% of the total marks) and in the mark-sheet of the petitioner, a note was appended to repeat the theory paper, but the petitioner has failed to pass the aforesaid examination, hence, he was not eligible to get admission in B.Sc. MLT. Counsel submits that an ineligible candidate is not entitled to get admission in B.Sc. MLT unless and until, such candidate has passed Senior Secondary Examination in all the three subjects i.e. Physics, Chemistry and Biology. Counsel submits that the college concerned was directed by this Court to grant compensation of Rs.10 lakhs to the student to whom wrong admission was granted.

5. Counsel submits that a similar controversy came up before this Court in the case of **Nitender Kumar Meena vs. Rajasthan University of Health Sciences and Ors**, while deciding **S.B. Civil Writ Petition No.9052/2020**) vide order dated 14.09.2021, wherein the Co-ordinate Bench of this Court has treated such like candidate as ineligible and the writ petition submitted by the said candidate was rejected. Counsel submits that aggrieved by the aforesaid order, the said candidate-Nitendra Kumar Meena as well as the concerned College i.e. Darshan Dental Medical College and Hospital, Udaipur approached the Division Bench by way of filing two



separate special appeals. The appeal preferred by the candidate-Nitender Kumar Meena was rejected, however, the appeal preferred by the concerned College was allowed vide order dated 02.09.2023. Counsel submits that under these circumstances, the instant writ petition is liable to be rejected.

6. In rebuttal, counsel for the petitioner submitted that the State also preferred Special Appeal against the order passed by the Single Bench of this Court, which was rejected and the State was directed to pay compensation of Rs.10,00,000/- to the said candidate, to whom admission was given wrongly.

7. Heard and considered the submissions made at Bar and perused the material available on the record.

8. Perusal of the record indicates that the petitioner has appeared in Senior Secondary Examination, 2020, conducted by the CBSE, with three compulsory papers i.e. Physics, Chemistry & Physical Education; and the subject Biology was opted as additional paper. In all the three compulsory papers, the petitioner has secured passing marks, but in the additional paper i.e. Biology, the petitioner has not secured passing marks in the theory paper. He secured 17 marks out of 70 marks, while in the said subject minimum 33% marks were required to be secured to pass i.e. 23 marks. A note was appended in the mark-sheet itself that the petitioner was supposed to repeat the aforesaid theory paper, but it appears that on the basis of same mark-sheet, the petitioner applied for getting admission in B.Sc. MLT by calculating his theory marks i.e. 17 with the practical marks i.e. 29 and shown himself as a pass candidate, in the said subject securing 46





marks and got admission. This fact was not noticed by the respondent-University at the relevant time of admission and the petitioner was allowed to continue in the said course for a period of one year. The said fact only came into notice the respondent-University at the time of examination, when the petitioner was not enrolled and he was treated as ineligible to get admission, as he has not passed the paper of subject Biology in Senior Secondary Examination. At this stage, the petitioner has approached this Court by way of filing the instant writ petition.

9. Now the question remains for consideration of this Court is that whether an ineligible candidate is entitled to get admission in B.Sc MLT, when the pre-requisite to get admission in the said course is that the candidate must have passed Senior Secondary Examination with Physics, Chemistry and Biology.

10. It is settled proposition of law that a candidate who takes admission in any College or University or appears in any examination, has to ensure that he/she fulfills the minimum required educational qualification and any other conditions, which are required, before entering into fray for writing the examination, on getting admission, to pursue any course of studies. The specific requirement of educational qualification cannot be framed by any Court of law, as the requirement of possessing and passing the subjects, is a pre-condition making a candidate eligible.

But, at the same time, it is also the duty of the College/ University/Authority to check and verify the documents of each



and every candidates in order to ascertain whether they are in possession of the required qualification or not. The authorities concerned are supposed to undertake such exercise before permitting any candidate to get admission and pursue his/her studies in a particular course.



11. This fact is not in dispute that the petitioner has not passed in the subject- Biology and he was not eligible to get admission but even then he applied for the same and admission was granted to him by the respondent-University.

12. Both the petitioner as well as the respondent-University are at fault. It was the duty of the University to verify the documents of the petitioner, at the time of admission, instead of directly allowing him to pursue the aforesaid course. Once the petitioner was allowed to pursue the aforesaid course for the entire one year and an objection was raised only at the time of examination i.e. at the fag end of one year, this Court cannot exercise its equitable jurisdiction in favour of the petitioner, who was not eligible to get admission in the aforesaid course. Therefore, he is not entitled to get any relief from this Court and the instant writ petition is liable to be and is hereby rejected.

13. This Court also finds the respondent-authority guilty, of improperly granting admission to the petitioner, thereby causing loss of one precious academic year to the petitioner. It is also evident that the petitioner was not eligible for admission to the B.Sc. MLT course; nevertheless, the University admitted him, without proper verification of his documents and permitted him to pursue the course for an entire year. At the



fag end of his one year of studies, the University realized its mistake and refused to enroll the petitioner by treating him as 'ineligible' to get admission in B.Sc., MLT. Now, the petitioner wants to complete the course despite his ineligibility and is requesting to accordingly issue directions against the respondents. However, such directions cannot be granted in his favour. No ineligible candidate can be permitted to take admission to any course or allowed to complete it, under the shelter or protection of the Court's order. Any illegality cannot be allowed to be perpetuated.

14. This Court finds that the petitioner had undergone one year of study in B.Sc, MLT, after paying requisite fees to the University. His parents have incurred expenses for one year and likely mobilized their resources in the hope of securing a better future for their son. The petitioner might have devoted his complete one year, while pursuing his studies and he must have also thought of pursuing the entire course without any hindrance.

15. The respondent/University, by such an overt act and conduct, not only benefited themselves but also caused loss of one year to the petitioner and financial loss to his parents as well. Hence, they are required to be adequately compensated by the University for their negligent and casual act.

16. This Court finds that the Hon'ble Apex Court in the case of **Krina Ajay Shah & Ors. Vs. The Secretary, Association of Management of Unaided Private Medical & Dental Colleges & Ors.** reported in **(2016) 1 SCC 666** has considered grant of compensation to the candidates, if such



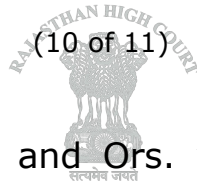
candidates were not to be granted admission, after a lapse of time, the candidates were given damages under "public law damages" theory. Relevant para No.14 of the said judgment is quoted hereunder for ready reference :



"14. In the circumstances, though the relief such as the one sought by the Petitioners cannot be granted at this stage in view of the long lapse of time but we are of the opinion that the Petitioners are certainly entitled to public law damages. State of Maharashtra is directed to pay an amount of `20 lakhs to each one of these Petitioners towards public law damages and such payment should be made within a period of four weeks from today. We also deem it appropriate to direct the State of Maharashtra to identify the officers who are responsible for the inaction on the report of the Monitoring Committee dated 11th January, 2013 and take appropriate action against those officers including the recovery of the amount (to be paid pursuant to this order, by the State) from those officers. The special leave petitions stand disposed of accordingly."

17. Similarly, the Hon'ble Apex Court again in the case of **S. Nihal Ahamed Vs. The Dean, Velammal Medical College Hospital and Research Institute & Ors.** reported in **(2016) 1 SCC 662** has granted compensation to the candidate. Relevant para No.7 of the said judgment is quoted hereunder for ready reference:

"7. Reliance was placed by the Appellants on the order of this Court dated 2.9.2014 in



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Krina Ajay Shah and Ors. v. The Secretary, Association of Management of Unaided Private Medical and Dental Colleges, Maharashtra and Ors. (SLP No. 31900 of 2013 etc). The said bunch of SLPs was filed in 2013 and the Petitioners therein were students who appeared for the entrance examination conducted by the Association of Private Medical Colleges and Dental Colleges, Maharashtra and the Petitioners were heard together and this Court held that inspite of the pendency of the SLPs for over a year, the State of Maharashtra never thought it fit to file any affidavit explaining its stand in the matter and the grievance of the Petitioners was fully justified but the Petitioners cannot be granted admission in view of the long lapse of time but they are entitled to public law damages and awarded a sum of Rs. 20 lakhs to each one of the Petitioners as public law damages. In the present case the learned Single Judge after elaborately considering the facts and circumstances held that the Appellants writ Petitioners are entitled to a sum of Rs. 3 lakhs each as compensation payable by the Respondent Medical College and directed to pay within a period of 8 weeks. The said direction has been erroneously reversed by the Division Bench. In our view the order of the learned Single Judge has to be restored."

18. For the loss of one year of the petitioner and creating an obstacle in his future educational pursuits, the respondent-



University is liable to compensate him for their blatant negligence.

19. Looking to the conduct of the University, granting admission to the petitioner without verifying the documents and overlooking his ineligibility, a cost of Rs.10,00,000/- (Rupees Ten Lakhs only) is imposed upon them. The University is directed to pay a sum of Rs.5,00,000/- (Rupees Five Lakhs only) to the petitioner and Rs.5,00,000 (Rupees Five Lakhs only) to be deposited with the Rajasthan State Legal Services Authority.

13. Needless to observe that the University would comply with the order passed by this Court within a period of three month from the date of receipt of certified copy of this order.

14. A copy of this order be sent to the Member Secretary, Rajasthan State Legal Services Authority (for short 'RSLSA') to ensure that the compliance of the order of this Court is made.

15. In case, the respondent-University fails to comply with this order, appropriate steps be taken in accordance with law by RSLSA.

16. With the aforesaid directions/observations, the instant writ petition stands disposed of. The stay application and all pending applications, if any, also stand disposed of.

(ANOOP KUMAR DHAND),J

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