



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 9TH DAY OF DECEMBER, 2024

BEFORE

THE HON'BLE MR JUSTICE SURAJ GOVINDARAJ

WRIT PETITION NO.31737 OF 2024 (EDN-RES)

BETWEEN:

RAKESH SHETTY
AGED ABOUT 43 YEARS
S/O. KARUNAKAR SHETTY
R/AT HEENKILA HOSAMANE HIRGANA
KARKALA TALUK
UDUPI DISTRICT - 576 117

...PETITIONER

(BY SRI K. PRASANNA SHETTY, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REP. BY ITS PRINCIPAL SECRETARY
EDUCATION DEPARTMENT
M. S. BUILDING
AMBEDKAR VEEDHI
BENGALURU - 560 001
2. KARNATAKA STATE LAW UNIVERSITY
REP. BY ITS REGISTRAR
NAVANAGAR
HUBLI - 580 025
3. SOUNDARYA COLLEGE OF LAW
SOUNDARYANAGARA SIDEDAHALLI
NAGASANDRA POST
BENGALURU - 560 073
REPRESENTED BY ITS PRINCIPAL

...RESPONDENTS

(BY SMT. R. K. PRATHIBHA, A.G.A., FOR R-1;
SRI GIRISH KUMAR, ADVOCATE FOR R-2;
NOTICE TO R-3 - DEFERRED





THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE ENDORSEMENT DATED 18.10.2024 IN NO. LW002S240001282 ISSUED BY THE R-2 (ANNX-A).

THIS WRIT PETITION, COMING ON FOR PRELIMINARY HEARING IN B GROUP, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR JUSTICE SURAJ GOVINDARAJ

ORAL ORDER

1. The petitioner is before this Court seeking for the following reliefs:-

i. Issue a writ in the nature of certiorari or any other appropriate writ, order or direction to quash the endorsement dated:18.10.2024 in No.LWOO2S240001282 issued by the Respondent No.2 (Annexure-A).

ii. Pass any such other or further orders that this Hon'ble Court may deems fit under the facts and circumstances of the above case in the interest of justice and equity.

2. The petitioner had completed his SSLC in the year 1997 and Job-Oriented Pre-University Diploma in Computer techniques(JOC) in the year 1999. Thereafter, the petitioner took up Bachelor of Commerce degree(B.Com) and completed the same in the year 2008. Subequent thereto, the petitioner was gainfully employed in a private company



and worked for several years. In the year 2024, the petitioner wanted to pursue a law degree, made an online application on 24.06.2024 with the respondent No.3 college, which application came to be accepted and he paid the college fees for the academic year 2024-2025. Subsequently, the petitioner received an E-mail communication from the college stating that the application filed by the petitioner when sent to respondent No.2 University for issuance of eligibility certificate, the University vide its communication dated 18.10.2024 at Annexure-A has rejected the same on the ground that in terms of the Government Order No.ED 19 TVE 2019, Bengaluru, dated 06.08.2021, the job oriented course could not be considered as equivalent to Pre-University course and in that background, that the petitioner is before this Court seeking for the above reliefs.

3. Sri. K. Prasanna Shetty, learned Counsel appearing for the petitioner would submit that the job oriented course certificate, which had been issued to the petitioner has been accepted to be a proper eligibility for the petitioner to take up his B.Com course, which was also completed by the



petitioner. The requirement for being admitted into the law course is 10+2+3year degree. The petitioner having qualified in both the aspects, it was but required for the respondent University to issue the eligibility certificate and the respondent No.3 college to admit the petitioner into the three year law course. In this regard, he relies upon a notification dated 26.05.2022, which reads as under:-

ಕರ್ನಾಟಕ ಸರ್ಕಾರ

ಸಂಖ್ಯೆ:ಒಇ78 ಪಿಹೆಚ್‌ಎಸ್‌2020 ಕರ್ನಾಟಕ ಸರ್ಕಾರದ ಸಚಿವಾಲಯ,
ವಿಧಾನಸೌಧ,
ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 26.05.2022

ಇವರಿಂದ:
ಸರ್ಕಾರದ ಅಪರ ಮುಖ್ಯ ಕಾರ್ಯದರ್ಶಿ,
ಒಳಾಡಳಿತ ಇಲಾಖೆ,
ಬೆಂಗಳೂರು.

ಇವರಿಗೆ:
ಮಹಾ ನಿರ್ದೇಶಕರು ಮತ್ತು
ಅರಕ್ಷಕ ಮಹಾ ನಿರೀಕ್ಷಕರು,
ಕರ್ನಾಟಕ ರಾಜ್ಯ, ಪೊಲೀಸ್ ಪ್ರಧಾನ ಕಛೇರಿ,
ನಂ.02, ನೃಪತುಂಗ ರಸ್ತೆ,
ಬೆಂಗಳೂರು-01.

ಮಾನ್ಯರೇ,

ವಿಷಯ: ಪಿ.ಸಿ(ಸಿವಿಲ್) ಹುದ್ದೆಗಳಿಗಾಗಿ ಪಿಯುಸಿ
ಅಥವಾ ತತ್ಸಮಾನ ವಿದ್ಯಾರ್ಹತೆಯನ್ನು
ನಿಗದಿಪಡಿಸಿದ್ದು, ಕುಮಾರಿ ದೀಪ ಕೆ.ಪಿ.
ಇವರು 03 ವರ್ಷದ ಡಿಪ್ಲೋಮಾ ಇನ್
ಕಂಪ್ಯೂಟರ್ ಸೈನ್ಸ್ ಮತ್ತು
ಇಂಜಿನಿಯರಿಂಗ್ ಪರೀಕ್ಷೆಯಲ್ಲಿ
ಉತ್ತೀರ್ಣರಾಗಿದ್ದು, ಸದರಿಯವರ
ವಿದ್ಯಾರ್ಹತೆಯನ್ನು ಪಿಯುಸಿಗೆ ತತ್ಸಮಾನ
ವಿದ್ಯಾರ್ಹತೆಯೇ ಎಂದು ಪರಿಗಣಿಸುವ
ಕುರಿತು.



- ಉಲ್ಲೇಖ: 1) ಪತ್ರ ಸಂಖ್ಯೆ:22/ನೇಮಕಾತಿ-2/2020-21, ದಿನಾಂಕ:
03.08.2020 & 01.10.2020.
2) ಇದೇ ಸಮಸಂಖ್ಯೆಯ ಸರ್ಕಾರದ ಪತ್ರ ದಿನಾಂಕ:
27.07.2020.

ಸರ್ಕಾರದ ಆದೇಶ ಸಂಖ್ಯೆ: ಇಪಿ 19 ಟಿವಿಇ 2019, ದಿನಾಂಕ: 16.08.2021 ರಲ್ಲಿ ಆದೇಶಿಸಿರುವಂತೆ, ಈಗಾಗಲೇ ನೇಮಕಾತಿ ಹೊಂದಿ ಆದೇಶ ನಿರೀಕ್ಷೆಯಲ್ಲಿರುವ ವಿದ್ಯಾರ್ಥಿಗಳಿಗೆ ಜೆ.ಓ.ಯು ಪಿಯುಸಿ ಗೆ ತತ್ಸಮಾನವೆಂದು ಪರಿಗಣಿಸಲು ಅಂತೆಯೇ ಸರ್ಕಾರದ ಆದೇಶ ಸಂಖ್ಯೆ: ಇಡಿ 33 ಟಿವಿಇ 2021, ದಿನಾಂಕ: 30.09.2021 ಅಂಶ (1)ರಂತೆ ತಾಂತ್ರಿಕ ಶಿಕ್ಷಣ ಇಲಾಖೆಯ ಮೂರು ವರ್ಷಗಳ ಡಿಪ್ಲೋಮಾ ಪಿಯುಸಿ ತತ್ಸಮಾನವಾಗುತ್ತದೆ ಮತ್ತು 2)ನೇ ಅಂಶದಲ್ಲಿ ಸೂಚಿಸಿದಂತೆ 2015ಕ್ಕಿಂತ ಹಿಂದಿನ ವರ್ಷಗಳಲ್ಲಿ ಸದರಿ ಡಿಪ್ಲೋಮಾ ಪಡೆದವರಿಗೆ ಕೆಪಿಎಸ್‌ಇ ವತಿಯಿಂದ ಇಲಾಖಾ ಪರೀಕ್ಷೆಗಳಲ್ಲಿ ಕನ್ನಡ ಭಾಷೆ ತೇರ್ಗಡೆ ಹೊಂದಲು ಸೂಚಿಸಿರುವುದರಿಂದ ತಾಂತ್ರಿಕ ಶಿಕ್ಷಣ ಇಲಾಖೆಯಿಂದ ಪಡೆದ ಮೂರು ವರ್ಷಗಳ ಡಿಪ್ಲೋಮಾ ಅಭ್ಯರ್ಥಿಗಳನ್ನು 2015ಕ್ಕಿಂತ ಹಿಂದಿನಿಂದಲೇ ಪೂರ್ವಸ್ಥಾನಗುವಂತೆ ಪಿಯುಸಿ ಗೆ ತತ್ಸಮಾನವೆಂದು ಪರಿಗಣಿಸಬಹುದಾಗಿದೆ.

ಮುಂದುವರೆದು ತಾಂತ್ರಿಕ ಶಿಕ್ಷಣ ಇಲಾಖೆಯ ಮೂರು ವರ್ಷಗಳ ಡಿಪ್ಲೋಮಾ ಜೆ.ಓ.ಯನ್ನು 2018, 2019, 2020ರ ಅಭ್ಯರ್ಥಿಗಳಿಗೆ ಹಾಗೂ 2015ಕ್ಕಿಂತ ಹಿಂದಿನಿಂದಲೂ ಪೂರ್ವಸ್ಥಾನಗುವಂತೆ ಪಿಯುಸಿ ತತ್ಸಮಾನತೆಯನ್ನು ಸರ್ಕಾರದ ಆದೇಶಗಳನ್ವಯ ನೀಡಬಹುದಾಗಿದೆ.

ಐ.ಟಿ.ಐ ಅಭ್ಯರ್ಥಿಗಳು 2020-21ರಲ್ಲಿ ಪಿ.ಯು.ಸಿ ಅಥವಾ ಎನ್.ಐ.ಓ.ಎಸ್ ನಡೆಸುವ (ಒಂದು ಭಾಷಾ ಕೋರ್ಸ್ ಮತ್ತು ಒಂದು ಶೈಕ್ಷಣಿಕ ವಿಷಯದಲ್ಲಿ) ಪರೀಕ್ಷೆಯಲ್ಲಿ ಉತ್ತೀರ್ಣರಾಗಿದಲ್ಲಿ ಪಿಯುಸಿ ಗೆ ತತ್ಸಮಾನವೆಂದು ಪರಿಗಣಿಸಬಹುದಾಗಿದೆ.

ಮುಂದುವರೆದು, ಮೇಲಿನ ಅಂಶಗಳು ಮೂರು ವರ್ಷಗಳ ಡಿಪ್ಲೋಮಾ ಐ.ಟಿ.ಐ ಹಾಗೂ ವೃತ್ತಿ ಶಿಕ್ಷಣ ಕೋರ್ಸುಗಳನ್ನು (ಜೆ.ಓ.ಸಿ)/ಪಿಯುಸಿ ಗೆ ತತ್ಸಮಾನವೆಂದು ಪರಿಗಣಿಸುವ ಇತರೆ ಎಲ್ಲಾ ಪ್ರಕರಣಗಳಿಗೂ ಅನ್ವಯಿಸುತ್ತದೆ ಹಾಗೂ ಅದರಂತೆ ಕ್ರಮವಹಿಸುವಂತೆ ತಿಳಿಸಲು ನಿರ್ದೇಶಿತನಾಗಿದ್ದೇನೆ.

ತಮ್ಮ ನಂಬುಗೆಯ,

(ಬಾಣದರಂಗಯ್ಯ ಎನ್.ಆರ್.)

ಸರ್ಕಾರದ ಅಧೀನ ಕಾರ್ಯದರ್ಶಿ

ಒಳಾಡಳಿತ ಇಲಾಖೆ (ಪೊಲೀಸ್ ಸೇವೆಗಳು ಬಿ)



4. By relying on the above, he submits that the job oriented course certification sufficiently applies for any further education and as such, he submits that the respondent University could not have denied the admission of the petitioner to the first year of the 3 year LL.B. course.
5. Sri. Girish Kumar, learned Counsel for respondent No.2- University by relying on a notification dated 06.08.2021 would submit that the job oriented course could not be held to be a equivalent for 10+2 without the petitioner having taken up a 'language' in the said course and in that regard, he relies upon a decision of Division Bench of this Court dated 28.03.2022 in the case of **Krishnamurthy D.H. and Another v. State of Karnataka and others**(W.P.No.24206/2021), more particularly, para 11 thereof, which is reproduced hereunder for easy reference:-

11. Though, the petitioners claim to have passed the job oriented Pre-University Diploma (2 years) and that the same to be treated as equivalent to the PUC, there is no material produced by the petitioners satisfying the requirement of they passing "One Language Course conducted by the NIOS and one curriculum subject (Distant Education Method) or passed examination in one Language or one subject conducted by Pre-University Education Board." The aforesaid



requirement of qualification was made known even prior to the issuance of the Notification dated 21.06.2018. The Tribunal taking into consideration this aspect of the matter, has rightly rejected the application filed by the petitioners. The reliance placed by the counsel for the petitioners on the judgment of the Apex Court in the case of Bedanga Talukdar (supra) is of no avail. No grounds made out by the petitioners. Hence, petition is dismissed.

6. Based on the above, he submits that the JOC can only be held to be equivalent to 10+2, if the petitioner had taken up atleast one 'language' in JOC Course. Secondly, he submits that in the instructions issued by the Bar Council of India, the JOC has not been held to be equivalent to 10+2 and what has been mentioned by the Bar Council of India is 10+2+3 year degree and it is for that reason that 10+2 has been regarded by the University to be either 10+2 CBSE/ICSE or PUC under the said syllabus and the other courses are not regarded to be equivalent to 10+2. On that ground, he submits that the stand taken by the University is proper and correct and does not require any interference at the hands of this Court.



7. Heard Sri. K. Prasanna Shetty, learned Counsel for the petitioner and Smt. R.K. Prathibha, learned Addl. Government Advocate for respondent No.1 and Sri. Girish Kumar, learned Counsel for respondent No.2. Notice to respondent No.3 is dispensed with.

8. The short question that would arise for consideration is:-

"Whether the job oriented course taken up by the petitioner would be equivalent to 10+2 as mentioned by the Bar Council of India Rules under Rule 5(for short 'BCI Rules')?".

9. The said Rule 5 is reproduced hereunder for easy reference:-

"5. *Eligibility for admission.*- (a) *Three Year Law Degree Course: An applicant who has graduated in any discipline of knowledge from a University established by an Act of Parliament or by a State legislature or an equivalent national institution recognized as a Deemed to be University or foreign University recognized as equivalent to the status of an Indian University by an authority competent to declare equivalence, may apply for a three years' degree program in law leading to conferment of LL.B. degree on successful completion of the regular program conducted by a University whose degree in law is recognized by the Bar Council of India for the purpose of enrolment.*



(b) Integrated Degree Program: An applicant who has successfully completed Senior Secondary School course ('+2') or equivalent (such as 11+1, 'A' level in Senior School Leaving certificate course) from a recognized University of India or outside or from a Senior Secondary Board or equivalent, constituted or recognized by the Union or by a State Government or from any equivalent institution from a foreign country recognized by the government of that country for the purpose of issue of qualifying certificate on successful completion of the course, may apply for and be admitted into the program of the Centres of Legal Education to obtain the integrated degree in law with a degree in any other subject as the first degree from the University whose such a degree in law is recognized by the Bar Council of India for the purpose of enrolment:

Provided that applicants who have obtained + 2 Higher Secondary Pass Certificate or First Degree Certificate after prosecuting studies in distance or correspondence method shall also be considered as eligible for admission in the Integrated Five Years course or three years' LL.B. course, as the case may be.

Explanation.-The applicants who have obtained 10 + 2 or graduation/post-graduation through open Universities system directly without having any basic qualification for prosecuting such studies are not eligible for admission in the law courses."

10. Clause (a) of Rule 5 deals with Three Year Law Degree Course. Clause (b) deals with Integrated Degree Programme i.e., Five year Degree. In terms of Clause (a) of Rule 5, an



applicant who has graduated in any discipline of knowledge from a University established by an Act of Parliament or by a State Legislature etc., may apply for three years' degree programme in law leading to conferment of LL.B degree on successful completion of the regular programme conducted by a University whose degree in law is recognized by the Bar Council of India for the purpose of enrolment.

11. In terms of proviso, it is stated that applicants who have obtained +2 Higher Secondary pass certificate or First Degree Certificate after prosecuting studies in distance or correspondence method shall also be considered as eligible for admission in the Integrated Five Years course or three years' LL.B. course as the case may be and as to the Explanation, the applicants, who have obtained 10+2 or graduation/post-graduation through Open Universities system directly without having any basic qualification are not admissible for admission to the Law Course. The Explanation relates to only Graduation/Post Graduation through Open University system. The Explanation, in my considered



opinion, would not be applicable insofar as to determining eligibility of a candidate for three years' law course.

12. Insofar as proviso is concerned, what it states is as indicated above that an applicant, who has completed +2 Higher Secondary Pass Certificate or First Degree Certificate after prosecuting studies in distance or correspondence shall be considered as eligible for admission in the Integrated Five Years or three years' LL.B. course. Thus what is required is +2 Higher Secondary Pass Certificate or First Degree Certificate. This law relatable to 5 years course is not relevant to this matter.

13. The lacunae as indicated by Sri. Girish Kumar, learned Counsel for respondent No.2 is that +2 Higher Secondary Pass Certificate has not been defined and as such the University has regarded +2 as 10+2 in ICSC/CBSE or Second year PUC. However, what is required to be taken note of is that the said proviso also speaks of disjunctive First Degree certificate, since the usage is +2 Higher Secondary Pass Certificate or First Degree certificate. That would mean that if the First Degree certificate has been issued, the



question of reference of +2 Higher secondary Pass Certificate would not arise, since the word used is 'or' which is disjunctive. So long as the First Degree certificate is available, the question of reference to +2 Higher Secondary Pass Certificate would not arise in terms of the proviso to Rule 5 of the Bar Council of India Rules.

14. On a plain reading of the said provision, it is only if a candidate were to have done only +2 and applies for Integrated Five Year course, then the requirement of +2 being either 10+2 of CBSE or ISCE or II PUC would be relevant.
15. Insofar as three years' LL.B. Course is concerned, what is required is First Degree certificate and as indicated above, if the candidate were to have a degree, which is considered to be First Degree, then the candidate would be eligible for being admitted into a three year LL.B. course. In that view of the matter, I am of the considered opinion that there is no particular lacuna as contended by Sri. Girish Kumar, insofar as admission to a three year Law Degree course is concerned, since, what is required as per the proviso is that



the candidate should have First Degree certificate, the reference being made earlier to Higher Secondary pass certificate would be irrelevant so long as the candidates were to have a Degree issued by an University as indicated and referring to clause (a) of Rule 5.

16. In the present case, the petitioner having done his job oriented course, the Job Oriented course was regarded to be eligibility enough for the petitioner to take up his B.Com course, which has been completed by the petitioner and the Degree in B.Com has been awarded to the petitioner, which would mean the First Degree certificate as contained and referred to in the proviso to Rule 5. That being so, in my considered opinion, reference to +2 Higher Secondary Pass certificate would not arise.

17. Insofar as decision of this Court in **Krishna Murthy's** case is concerned, that was a decision relating to qualification for selection of a police constable, where the requirement was a pass in PUC or equivalent qualification, wherein the Division Bench of this Court held that JOC with a language would be required to be eligible for being recruited as a police



constable. The recruitment fixing the minimum qualification of PUC or equivalent qualification, the petitioner therein had not completed his degree, but has completed only job oriented course and in that background, the equivalence of PUC with JOC was examined by the Division Bench of this Court.

18. In view of my reasoning in respect of proviso to Rule 5, the question of considering equivalency of JOC with +2 would not be relevant, since the petitioner holds a B.Com degree, which being a First Degree was sufficient for the University to consider for issuance of eligibility certificate.

19. In that view of the matter, I pass the following:

ORDER

- i. Writ petition is allowed.
- ii. A certiorari is issued and the endorsement dated 18.10.2024 by respondent No.2 at Annexure-A is quashed.



- iii. Respondent No.2 is directed to issue eligibility certificate in pursuance of the observations made hereinabove within a period of 15 days of receipt of copy of this Order.

Sd/-
(SURAJ GOVINDARAJ)
JUDGE