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SLP(C)No. 1126 OF 2001
ITEM No.207

Court No.11

SECTION XI
A/N MATTER

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No.1126/2001

(From the judgement and order dated 23/11/2000 in CMWP 38/2000
of The HIGH COURT OF UTTARANCHAL AT NAINITAL)

SADANAND MISHRA

Petitioner (s)

VERSUS

FOREST RESEARCH INSTITUTE & ORS.
(With prayer for interim relief)
(For Final Disposal)

Respondent (s)

Date : 18/01/2002 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.C. LAHOTI
HON'BLE MR. JUSTICE BRIJESH KUMAR

For Petitioner (s)

Mr. Dinesh Kumar Garg,Adv.

For Respondent (s)

Mr. Lakshmi Raman Singh,Adv.

UPON hearing counsel the Court made the following
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Learned counsel for the appellant argued the matter
for 10 minutes and after that, learned counsel for the
respondent made his submissions in reply for 5 minutes.
Leave granted.

The appeal is disposed of in terms of the signed
order. No order as to costs.

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Sarita (Radha Rani Bhatia)@@
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Court Master@@

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(Signed order is placed on the file)

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IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 552 OF 2002@@
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(Arising out of SLP(C)No.1126/2001)

SADANAND MISHRA

...APPELLANT

VERSUS

FOREST RESEARCH INSTITUTE & ORS.

...RESPONDENTS

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Leave granted.

The appellant had passed B.Sc. in the year 1984 from the University of Allahabad with Physics, Chemistry and Mathematics as subjects. In response to an advertisement issued by Forest Research Institute at Dehra Dun, he made an application seeking admission for M.Sc. Environment Management course of study which is a 2-years course. The advertisement, as also the prospectus, required Bachelor's degree in any branch of basic or applied Sciences or Bachelor's degree in Forestry or Agriculture or BE in Environment Science as an eligibility qualification. The B.Sc. Exam passed by the appellant in the year 1984 was a 2-years course. An entrance test was held and the appellant was declared successful therein. By letter dated 1/9/2000, the

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appellant was informed that he was selected for admission in M.Sc. Environment Management on the basis of merit secured in the written test. The appellant was called upon to deposit the admission fee. When the appellant approached the Institute for depositing the admission fee, he was informed that he could not be allowed admission inasmuch as the eligibility requirement as adopted by the Institute was that the appellant should have passed B.Sc. with 3-years course of study. Feeling aggrieved by the refusal of the Institute to grant the appellant an admission, a writ petition was filed before the High Court of Uttaranchal at Nainital. The High Court dismissed the writ petition on the ground that the appellant did not satisfy the requirement of having passed 3-years degree in B.Sc. The appellant has filed this appeal by special leave.

During the course of hearing, it is not disputed that in the State of Uttar Pradesh the pattern of 3-years degree course at the graduate level was introduced only in the year 1985-86 and till then, the pattern followed by all the universities was 10+2, i.e., 2-years graduate level course after passing standard or intermediate. It is not the case of the respondents, nor could it have

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been, that after introduction of 3-years graduate level course of study, the degrees earlier given to the students, who had passed 2-years graduate level course of study, were derecognised or had ceased to be recognised. Inasmuch as the eligibility qualification prescribed by the University for admission in M.Sc. was only of having passed B.Sc. without an additional condition that graduate level course of study undertaken by the graduate should have been a 3-years graduate level course of study, admission to the appellant could not have been denied simply because he had secured B.Sc. degree by undergoing 2-years course of study at a point of time when B.Sc. degree was given after undergoing 2-years course of study only. We are, therefore, of the opinion that the ground on which the appellant was denied admission was wholly irrelevant and the High Court also proceeded to dispose of the writ petition filed by the appellant on a ground which is not germane. Yet another reason assigned by the High Court is that the appellant, who had passed B.Sc. in the year 1984, was seeking admission in the M.Sc. in the year 2000, i.e., after a period of 16 years and therefore, "it would not be just,

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expedient or appropriate to direct the admission to the petitioner for the Postgraduate Course in Environment."

We fail to appreciate the logic behind such reasoning adopted by the High Court. No such requirement as has been assumed by the High Court is found either in the prospectus or in the advertisement and hence that also becomes irrelevant.

Inasmuch as we are clearly of the opinion that admission to the appellant could not have been denied, the petition should have been allowed by the High Court and therefore this appeal deserves to be allowed. As the writ petition was filed by the appellant promptly and there has been no delay on his part, he cannot be made to suffer on account of the time lost in litigation.

However, it may be stated that on behalf of the University it has been urged that the appellant had not produced migration certificate and character certificate, which were also required to be produced by him. Learned counsel for the appellant states that the two certificates were available with the appellant and they are still available with him and could have been produced at the time of admission but the Institute authorities

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instead of looking into the certificates simply denied admission on an irrelevant consideration.

The appeal is allowed. The impugned judgment of the High Court, as also the rejection of the appellant's candidature by the respondent University, are set aside. Inasmuch as the session for the year 2000 is over, it is directed that the appellant shall be allowed admission in M.Sc. Environment Management in the next session whenever it commences hereinafter.

The appeal stands disposed of accordingly. No

order as to costs.

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.....J.
(R.C. LAHOTI)

New Delhi,
January 18, 2002.

.....J.
(BRIJESH KUMAR)