

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(s).13040/2010

(From the judgement and order dated 23/03/2010 in WP No.
11908/2009 of The HIGH COURT OF JUDICATURE AT ALLAHABAD)

COLLEGE OF PROFESSIONAL EDUCATION & ORS Petitioner(s)

VERSUS

STATE OF U.P.& ORS. Respondent(s)

(With appln(s) for directions, intervention, impleadment,
impleadment as party respondent, permission to intervene by the
applicant above named and impleadment as petitioner and prayer
for interim relief and office report)

WITH

SLP(C) NO. 12640 of 2010
(With prayer for interim relief and office report)
SLP(C) NO. 5500 of 2011
(With office report)
SLP(C) NO. 11752 of 2011
(With prayer for interim relief and office report)

Date: 22/07/2011 These Petitions were called on for hearing
today.

CORAM :

HON'BLE MR. JUSTICE R.V. RAVEENDRAN
HON'BLE MR. JUSTICE A.K. PATNAIK

For Petitioner(s) Mr. Soli J. Sorabjee, Sr. Adv.
Mr. Anurag Dubey, Adv.
Mr. D.P. Pandey, Adv.
Mr. Meenesh Dubey, Adv.
Mr. M.M. Ashthana, Adv.
Mr. S.R. Setia, Adv.

Ms. Rekha Pandey, Adv.
Mr. Rohitash Nagar, Adv.
Mr. Navin Chawla, Adv.
Mr. Gaurav Kaushik, Adv.

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(Applicants for impleadment)

Mr. Pahlad Singh Sharma, Adv.
Mr. Vikas Kakkar, Adv.

For Respondent(s) Mr. P.P. Rao, Sr. Adv.
Mr. Ajay Kumar Singh, Adv.
Mr. Shrish Kumar Misra, Adv.
Mr. Amit Singh, Adv.

Mr. Amitesh Kumar, Adv.
Mr. Ravi Kant, Adv.
Mr. Navin Prakash, Adv.

Mr. Ranjit Kumar, Sr. Adv.
Mr. Hanendra Singh, Adv.
Mr. Prashant Chaudhary, Adv.

(For Intervenor) Ms. Kamini Jaiswal, Adv.
Mr. Kamal Pundir, Adv.
Mr. Anil Kumar Sharma, Adv.
Mr. Rameshwar Prasad Goyal, Adv.

(IAs for student) Dr. Rajiv Dhawan, Sr. Adv.
Mrs. Bhawana Pandey, Adv.
Mr. Manish K. Bishnoi, Adv.

Mr. Sumit Kumar, Adv.

(For intervenor) Ms. Mukti Chowdhary, Adv.

(For intervenor) Ms. Mukti Chowdhary, Adv.
Ms. Nikhil Sharma, Adv.

Mr. Devesh Kumar Tripathi, Adv.

UPON hearing counsel the Court made the following
O R D E R

Leave granted.

In terms of the signed order these appeals are

disposed of, without disturbing the judgment of the
High Court, except to the extent if any, modified by

the above terms. The parties are at liberty to
approach this court for clarifications, if found
necessary.

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The costs awarded by the High Court in its
impugned order against the respondents is deleted.

All pending applications are disposed of in
terms of the signed order.

(O.P. Sharma) (M.S. Negi)
Court Master Court Master
(Signed order is placed on the file)

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IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 5914 OF 2011
(Arising out of SLP (C) No.13040 OF 2010)

College of Professional Education & Ors.

... Appellants

Vs.

State of U.P. & Ors.

... Respondents

With

CA No.5915 of 2011 (Arising out of SLP(C) No.12640/2010)
CA No.5916 of 2011 (Arising out of SLP(C) No. 5500/2011)
CA No.5918 of 2011 (Arising out of SLP(C) No. 11752/2011)

O R D E R

Leave granted. Heard.

2. These appellants challenge the judgment dated 23.3.2010 passed by the Allahabad High Court, which quashed Government Order dated 15.10.2009 issued by the state government declaring the session 2009-10 for B.Ed courses as 'zero year', but declined to grant relief to the students admitted to B.Ed courses for the year 2009-10.

3. In regard to admissions for 2011-12, the following time schedule was agreed, as recorded in the interim order dated 11.3.2011 :

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1. Publication of Advertisement	10.03.2011
2. Sale of Application Forms and their submission	From 21.03.2011 to 10.04.2011
3. Date of Entrance Examination	02.06.2011
4. Declaration of Result	05.07.2011
5. First Counseling	From 14.07.2011 to 27.07.2011
6. Admissions (after first counseling)	Upto 31.07.2011
7. Second Counseling, if required	From 03.08.2011 to 07.08.2011
8. Admissions (after second counseling)	Upto 10.08.2011
9. Commencement of Academic Session	From 01.08.2011

4. In regard to admissions for academic sessions 2012-2013 and subsequent academic years, the institutions and the state government have arrived at a broad consensus regarding the procedure, the terms of which have been set out in the affidavit filed by Dr. R.K. Gupta, Associate Professor, Department of Higher Education, Government P.G.

agreed are as under:

(i) To ensure that all seats in the colleges are filled through counseling pursuant to Entrance Examination, the Colleges are required to update their websites daily and display the number of students admitted as well as the number of seats vacant. For this purpose, each college shall have an official websites giving the details of total sanctioned seats, bank account etc. During the course of counseling, they will update their official website on day to day basis regarding vacant seats after

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admissions. The colleges shall also communicate the said particulars on daily basis to the Registrar of concerned University (Examination conducting body) through e-mail/telephone/Fax.

(ii) Every college will display its Bank Account Number and its name on its website and also provide to the concerned University (the examination conducting body). Any student, who is allotted to a particular college through counseling after the B.Ed. Joint Entrance Examination, will deposit his fees directly with the CBS Branch of the said Bank Account of the college to which he is allotted, within three days from the day of counselling. Subsequently, the said student will make available the copy of the proof of fee deposited to the concerned college and the concerned University. The concerned college will display the same on its website along with the details of the students. If any student faces any difficulty in depositing of the fee in the CBS account of the college to which he is allotted, he can immediately contact the University, the college and if required then concerned District Magistrate.

(iii) The schedule for admission for the academic session 2012-13 and subsequent years, shall be as under :

1.	Publication of Advertisement	01.02.2011
2.	Sale of Application Forms and their submission	10.02.2012 to 10.03.2012
3.	Date of Entrance Examination	20.04.2012 to 25.04.2012
4.	Declaration of Result	25.05.2012 to 30.05.2012
5.	Commencement and completion of counseling	01.06.2012 to 25.06.2012
6.	Last Date of Admissions after counseling	28.06.2012
7.	Commencement of Academic Session	01.07.2012

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[Note : for subsequent years, the same dates and months will apply]

(iv) From 2012-13, there will be only one counseling, which will continue for a period of 25 days. During the counseling, if it is found that a candidate/s allotted to any college do not turn up to take admission, the college shall inform the Counseling Authority and upon receipt of such information, another set of candidates will be sent to such colleges after counseling. The said counseling

will be continuous to expedite the procedure of admission till closure of admission, without any second or third round of counseling.

(v) As per the schedule agreed for the year 2011-12, as per order dated 11.3.2011 of the Supreme Court, the admission process will be completed by 31.07.2011 after the first counseling. Subsequently, any vacant seats ascertained, will be filled up through second phase of counseling conducted from 03.08.2011 to 07.08.2011. Thus, the whole process of admission to all the seats of B.Ed. course shall be completed by 14.08.2011.

(vi) After that date (14.08.2011) if any seat remains vacant in a private college then to fill up the same the following course may be followed to ensure filling up all the vacant seats through counseling only:-

(a) A waiting list in the form of pool of about 5000 candidates will be prepared. The waiting list may be enlarged as per the requirement to fill up the vacant seats. The candidates registered with the pool will have to give an undertaking to the

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effect that they can be sent to any college having vacant seat for admission and they will have no objection. The candidates registered with the pool/waiting list will be arranged as per merit and will be allotted the colleges having vacant seats in their subjects according to their merit. This option will be exercised only after the end of counseling and be adopted only on the request of the colleges for filling up their remained vacant seats within three days from the last date of admission.

In such circumstances, the concerned university will provide the students from waiting list accordingly to fill up the seats but the entire process will be completed within 10 days, i.e. by 24.08.2011 for the session 2011-12 and 8th of July for the next consecutive years.

The wait listed pool candidates, shall along with the undertaking, deposit the fees with the University concerned and in case the candidates fails/refuses to join the allotted college as per his undertaking then the fee deposited with university will be remitted to the account of the college immediately, to which the students has been allotted by the university provided that the seats remained vacant during that academic session.

(b) After the counseling is over, the concerned University will continue to allot the candidates from the above mentioned waiting list against the vacant seats till all the seats in the colleges

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are filled up. It is further submitted that the organizing university will provide students only

to the existing B.Ed. College and all those B.Ed. Colleges which will get affiliation upto dated 07.07.2011 will not be considered for counseling to the year 2011-12 and for the next consecutive years and onward the colleges which will be get affiliated on or before 10th of May of that year, would be considered for counseling.

(c) The organizing University will start online help service through which the complaints of the candidates will be redressed. All the colleges concerned will also provide their helpline separately and after receipt of the complaints the organizing university will forward the same to the concerned college for redressal, failing which the organizing university will seek the explanation from the college concerned and if any default or omission is found on the part of the college, then the same would be forwarded to the government for necessary actions against such college.

(d) The state shall take all endeavour to ensure admissions only through counseling after holding State Level Entrance Examination against all the seats sanctioned in self-financing institutions running B.Ed. Course.

(e) That in case any unforeseen difficulty arises regarding filling up vacant seats in the concerned colleges despite strictly following the procedure agreed, even after 24.08.2011, the colleges will be entitled to approach, for filling

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up their vacant seats, to Principal Secretary/Secretary of the Department of Higher Education, Government of UP who will arrange to provide selected candidates from the wait-list pool within 3 days from receipt of application to fill up those vacant seats.

(f) The same procedure will mutatis mutandis apply for the academic years 2012-13 and thereafter.

(vii) The state government will adopt similar procedure in regard to filling of any vacant seats for the admission for the academic year 2012-13 and subsequent years.

5. The state government will endeavour to formulate the above in the form of appropriate Admission Procedure Rules. Until the state government makes such Rules, the above procedure will be applied.

6. Recording the above consensus, these appeals are disposed of, without disturbing the judgment of the High

Court, except to the extent if any, modified by the above terms. The parties are at liberty to approach this court for clarifications, if found necessary.

7. The costs awarded by the High Court in its impugned order against the respondents is deleted.

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I.A.No.23 in SLP(C) No. 13040/2010 and other applications

8. The students who were allegedly admitted to the B.Ed Course in the year 2009-10 have filed these applications for impleading/intervention. They submit that the observation in the order dated 27.8.2010 that "as far as the academic session 2009-10, the matter has become infructuous" is likely to be misinterpreted to their prejudice.

9. On the request of students who allege that they were admitted during 2009-10, on 11.3.2011, this Court had recorded their submission that they will give representations to the state government for verifying whether they were admitted for the session 2009-10 and whether they have undergone the course and to consider whether some equitable relief could be extended to them. The students/applicants submit that though they gave such representations, the state government has not given any relief to them. Some of the representations have been rejected and remaining are stated to be still pending. They submit that dismissal of the SLPs on the basis of broad consensus between the appellant colleges and the respondents leave them without any relief, as their grievance is not addressed.

10. If the applicants in the said impleading

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applications have any grievance in regard to the impugned order of the High Court or about the non-

consideration/rejection of their representations, such applicants will have to seek remedy independently, in accordance with law. The question of adjudicating their claims and contentions in these appeals does not arise. All pending applications are disposed of accordingly.

.....J.
(R V Raveendran)

New Delhi;
July 22, 2011.

.....J.
(A K Patnaik)