

Yashomati Harsukhlal Lathia (Smt) and Others

Vs

Saurashtra Kutch Stock Exchange and Others

Civil Appeal No. 10004 of 1995

(K. Ramaswamy, B. L. Hansaria JJ)

30.10.1995

ORDER

1. Leave granted.

2. Only controversy is whether the first appellant fulfilled the qualifications of twelfth standard prescribed for consideration of her membership of the Stock Exchange. Admittedly, the appellant passed Matric which is equivalent to eleventh standard in Gujarat State, Saurashtra region. The Saurashtra University Act, 1965 (Gujarat Act No. 39 of 1965) was amended by the Gujarat Secondary Education (Amendment) Act, 1978, (Gujarat Act No. 32 of 1978) which was published after receipt of the assent of the President in the "Gujarat Government Gazette" on 29-9-1978. It provided that in Section 43 clause (i) after the words "Secondary School Certificate Examination" the words "in the eleventh standard or the Higher Secondary School Certificate Examination" shall be inserted. The Explanation thereto clearly amplifies that the "Higher Secondary School Certificate Examination" means the examination of the students in the twelfth standard. The first appellant having passed the eleventh standard examination was thus qualified for consideration of membership of the Stock Exchange. The Screening Committee had rejected her petition on the ground that the first appellant did not have the qualification of twelfth standard in that behalf; it was, however, not brought to its notice that by virtue of the aforementioned amendment, the eleventh standard was made equivalent to Higher Secondary Certificate Examination.

3. In view of the legal position set out above, the first appellant is entitled to be considered by the appropriate Committee whether she could be admitted as member of the Saurashtra-Kutch Stock Exchange at Rajkot. The appeal accordingly allowed. The Screening Committee would consider and dispose of the claim of the first appellant within a period of eight weeks from the date of the receipt of this order. No costs.