

# RAJASTHAN HIGH COURT

Shahabuddin

Vs.

MDS University

Civil Writ Petn. No. 6877 of 1997

(Mrs. Gyan Sudha Misra, J.)

23.01.2001

## JUDGEMENT

### **Mrs. Gyan Sudha Misra, J.**

1. The petitioner is aggrieved of the fact that his admission and consequently his candidature in the Master of Business Administration (for short M.B.A.") (E.P.) Examination, 1996 has been cancelled. The respondents are, therefore, refusing to declare his result on the ground that he was not eligible for admission into the course due to invalidity of his experience certificate which he had obtained from a private employer while working as a Government employee. It is an admitted position that the petitioner was admitted into the course in the year 1993 as per the requirements of admission which included production of experience-cum-salary certificate which the petitioner had duly submitted. The petitioner thereafter completed two years' course and also passed out M.B.A.- Part-I and Part-II. He also appeared in the Part-III examination and during this period an objection for the first time was raised by the respondent, questioning his eligibility for admission into the M.B.A. Course on the ground that the experience certificate which he had produced before his admission was unreliable and that could not have been relied upon, for granting him admission.

2. Undoubtedly, utmost rectitude and probity has to be maintained by the admission authorities while admitting a student into any course but, it is also equally true that the entire satisfaction of the authorities as far as possible should be arrived at before a student is granted admission and only in exceptional cases for reasons beyond the control of the admission authorities, the admission can be cancelled at a later stage. In the instant case, the experience certificate indicating the name of the petitioner's employer was already before the authorities and it is completely unclear why the

authorities did not make any enquiry and raised objection regarding genuineness of the experience certificate by stating that the petitioner could not have obtained experience certificate from a private employer while in Government service and the matter was left unattended so much so that the petitioner was not only admitted into the course but was allowed to continue with the course for not less than two years and he also successfully passed out two examinations and thereafter continued in Part-III and appeared in the Part-III examination of the course. At this stage what prompted the authorities to question the experience certificate is not clear but the counsel for the respondent Mr. Arya explained and submitted that informally they got the information that the experience certificate was forged and fabricated for which an enquiry was held in which the petitioner also participated but failed to explain. In my view this exercise on the part of the authorities regarding genuineness of the experience certificate which was a fact already available before the authorities, ought to have been verified prior to granting admission to the petitioner as the name of the employer granting experience certificate was already available before the admission authorities at the time of granting admission and, therefore, it was expected of them to satisfy itself about its veracity and genuineness at the time of admission itself. Time and again I have encountered situation while dealing with educational matters highlighting the fact that admission authorities do not undergo enough exercise of checking the certificates etc. while granting admission and only after a student completes 2-3 years of course, the authorities wake-up from their slumber and start a roving enquiry in regard to the eligibility of a student already admitted, just on the threshold of re-examination, ultimately dragging the student to law Courts for redressal of their grievance. As already stated above, there may be certain situations which may not be known to the authorities at the time of admission and only by force of circumstance some information may come to their notice at a later stage, compelling them to cancel admission of such students, but if the information and the certificate is already available with the authorities at the time of admission, it is their duty to check the genuineness before the student is granted admission. As for example in the instant case, when the certificate was already available before the authorities which could have been checked at the threshold of the admission, there is no reason why it could have been allowed to drag on for several years and thereafter, one fine morning start questioning the genuineness of the certificate. The authorities are certainly expected to complete the admission formalities within a reasonable span of time and not mess-up the whole thing as and when something comes to their notice since the admission procedure at some point of time has to be put up to a stop leaving the students to

continue the course with ease. This has not been happening, as I have already stated that large number of cases are coming to the Courts arising from a situation where the eligibility of a student is questioned after several years of completion of course totally ignoring that this exercise has to come to a halt at least within a reasonable span of time after the admission process is complete. What is sought to be emphasized is that the certificates and other materials which requires probe or checking ought to be done expeditiously within reasonable time and cannot be allowed to drag on to a point when the student is allowed to complete his course provided the situation is where the authorities in spite of their vigilance could not have checked the antecedents and the materials within limited time, due to reasons beyond their control.

3. In the instant case the petitioner successfully passed out M.B.A. Part-I and Part-II and was about to appear in Part-III when his candidature was questioned on the ground that the experience certificate which was produced by him, which was only one of the conditions for admission into the course, was not genuine. This cannot be said to be a situation where the authorities were unable to check the genuineness of the certificate at the appropriate stage, if they really cared but why the same was not done is not clear. Therefore, to enforce rectitude and probity in the admission procedure at such a belated stage does not reflect their sincerity to the cause for the authorities while enforcing rules of admission ought to bear in mind the practical fall out of their action and cannot be permitted to initiate enquiry as and when they choose. The authorities are well within their rights to check the eligibility and antecedents of the students, but there has to be a reasonable time limit to this exercise and cannot be stretched to an alarmingly long number of years except of course in unusual and exceptional circumstances. But when the information and the material to be checked was already before them at the time of admission as it has been in the instant case, questioning the eligibility at the fag end of the course is certainly not justified.

4. In view of this, the action of the respondents not to declare the result of the petitioner for M.B.A. Part-III who has already passed out M.B.A. Part-I and Part-II cannot be allowed to be sustained. They are, therefore, directed to declare the result of the petitioner expeditiously, but not later than a period of four weeks from today.

The writ petition thus, stands allowed, but in the circumstances without any order as to costs.

Petition allowed.

