

**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S. B. Civil Writ Petition No. 8632 / 2016

Rajpal S/o Late Shri Kashi Ram, by caste Nai, aged 36 years,
Resident of Ward No. 28, Nohar, Tehsil Nohar, District
Hanumangarh

----Petitioner

Versus

1. The State of Rajasthan through Director, College Education,
Rajasthan, Jaipur
2. The Bar Council of India, New Delhi through its Secretary
3. The Bar Council of Rajasthan, Jodhpur through its Secretary
4. Maharaja Ganga Singh University, Bikaner through its
Registrar
5. Principal, Nehru Memorial Law P.G. College, Hanumangarh
Town, District Hanumangarh
6. Vardhman Mahaveer Open University, Kota through its
Registrar

----Respondents

For Petitioner : Mr. G.R. Bhari

For Respondents : Mr. A.K. Rajvanhy, Mr. D.S. Jasol, Mr. Pritam
Solanki, Mr. Hemant Choudhary & Mr. D.D.
Chitlangi

HON'BLE MS. JUSTICE NIRMALJIT KAUR

Order

09/10/2017

The prayer in the present writ petition is for issuance of the
direction to the respondents to provide admission to the petitioner
in the LL.B. First Year in the Nehru Memorial Law P.G. College,
Hanumangarh Town, District Hanumangarh.

It is contended that since the petitioner fulfills all eligibility
criteria for admission in LL.B. Degree Course, he submitted an
application before the respondent No. 5 seeking admission in the

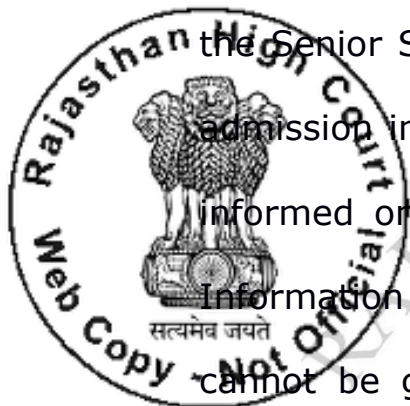
LL.B. First year. The petitioner also submitted an application before the respondent No. 5 on 06.06.2016 stating that since he has passed the B.A.P. Course which is equivalent to 10+2 examination and the High Court in S.B. Civil Writ Petition Nos. 1594, 1595, 1596 of 2009 and 8814 of 2003 decided vide Order dated 22.02.2010 has held the B.A.P. course equivalent to the Senior Secondary course, he should be, accordingly, provided admission in LL.B. Degree Course. Thereafter, the petitioner was informed only in response to his application under the Right to Information Act vide Communication dated 20.07.2016 that he cannot be granted admission in the LL.B. First Year as he has undergone his graduation without obtaining the basic qualification of senior secondary.

Reply has been filed by various respondents.

As per the reply filed by the respondent No. 4, the petitioner himself has placed on record the order issued by the Board of Secondary Education, Rajasthan, Ajmer on 23.01.2014 in which it was clearly mentioned that the B.A.P., B.C.P. and B.S.C.P. (one year) programs run by Vardhman Mahaveer Open University, Kota is to be treated equivalent to the Senior Secondary course only with effect from 01.01.2014. Since the petitioner had passed his B.A.P. course before the said date, the same cannot be considered as equivalent to the Senior Secondary Course.

Heard.

Learned counsel for the parties have not been able to dispute that the controversy involved in the present case is no more res-integra in view of the judgments rendered by the learned Single



Bench of this Court in the case of **Baboo Lal Meena & ors. Vs. State of Rajasthan & ors.** reported in **2010(2) WLN 197 (Raj.)** as well as Division Bench of this Court in the case of **State of Rajasthan & ors. Vs. Lachcha Ram & 14 ors.** reported in **2012(1) WLC (Raj.) 339.** While allowing the appeals, the learned Division Bench of this Court in the case of State of

Rajasthan & ors. Vs. Lachcha Ram & ors. (supra) has specifically

held as under :-



"It was not open to the State Government to contend that such incumbents, who have completed BSTC Course after passing 10th class and BAP Course from Kota Open University and are graduate also, are not eligible for appointment to the post of Prabodhak. We also find that for admission to graduation course in Kota Open University, Senior Secondary is eligibility criteria and the students who have passed 10th class examination and have undertaken BAP course are treated as eligible for admission to graduation course. It is apparent that Kota Open University is treating BAP course as equivalent to Senior Secondary and that is why admissions are given to graduation course, certificate to the contrary is of no avail to the State. It is not in dispute that at the relevant time, admission to graduation course in Kota Open University could not have been given to a person without possessing Senior Secondary Examination certificate or its equivalent, thus, for all purposes, the incumbents who have been given admission to graduation course after passing BAP course were treated as having qualification equivalent to Senior Secondary or intermediate. The same is also reflected in the State Government's Circular dated 03.05.2002/09.05.2002. Thus, in our considered opinion, there is no infirmity in the view taken by Hon'ble Prakash Tatia J. in the orders which have been impugned by the State. We accordingly affirm the same and set aside the view of the Single Bench based on the decision in the case of Suja Ram (supra), Jamant Singh (supra) and Civil Writ Petition No. 5951/2008 (Smt. Priti Dixit Vs. State of Rajasthan & ors.) inasmuch as dealing with aforesaid question as rest of the questions are not before us for adjudication in these appeals and hold that the view taken in Suja Ram's case and in other orders based thereupon, does not lay down correct law as sufficient material to form correct opinion was not

placed before the Single Bench deciding Suja Ram's case, which has been simpliciter followed in other cases."

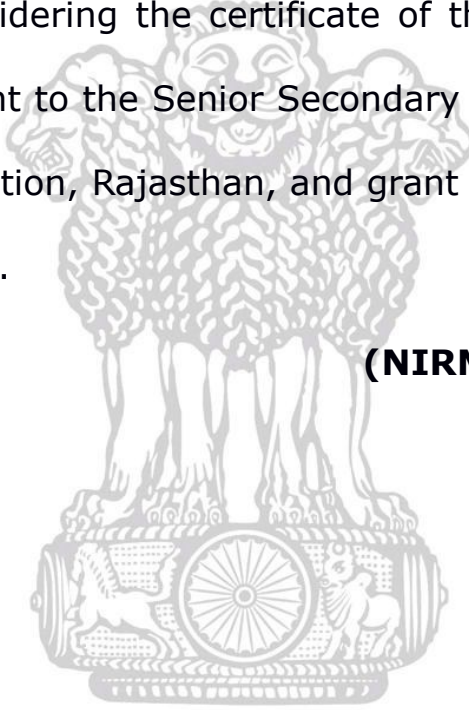
This Court finds nothing to distinguish the case of the petitioner from the ratio of judgment rendered in the case of Baboo Lal Meena & ors. Vs. State of Rajasthan & ors. (supra) as well as State of Rajasthan & ors. Vs. Lachcha Ram & 14 ors.

(supra).

Accordingly, the present writ petition is allowed. The respondents are directed to consider the case of the petitioner for admission in the LL.B. First Year Course in the academic session 2018-19 after considering the certificate of the petitioner of BAP Course as equivalent to the Senior Secondary Course of the Board of Secondary Education, Rajasthan, and grant him admission, if he is otherwise eligible.

(NIRMALJIT KAUR), J.

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