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High Court, Allahabad

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WRIT - A

73146

CIVIL/CRIMINAL MISC WRIT PETITION/APPEAL NO. OF 2011

DISTRICT. Mainpuri

Santosh Kumar ..... APPLICANT/Petitioner

VERSUS

State of U.P & others ..... RESPONDENTS

COPY OF ORDER DATED 2.3.2012

FINALLY DECIDED / PENDING



**Court No. - 33**

**Case :- WRIT - A No. - 73146 of 2011**

**Petitioner :- Santosh Kumar**

**Respondent :- State Of U.P. & Others**

**Petitioner Counsel :- N.K. Maurya**

**Respondent Counsel :- C.S.C.**

**Hon'ble Sudhir Agarwal, J.**

Petitioner's candidature for BTC Course, 2011 has been rejected on the ground that he has passed Intermediate examination from the Board of Secondary Education, Madhya Bharat, Gwalior (Madhya Pradesh), which is not recognized by the State Government.

Learned counsel for the petitioner drew my attention to the schedule appended to the Regulations under chapter XIV of Regulations framed under U.P. Intermediate Education Act 1921 wherein Board of Secondary Education, Madhya Bharat, Gwalior (Madhya Pradesh) has been recognized as equivalent to the Board of High School & Intermediate Education, U.P., Allahabad. In these circumstances, standing counsel was required to seek instructions by order dated 16.12.2011. He has produced before this Court a letter dated 20.12.2011 sent by? Principal, District Education & Training Institute, Bhogaon, Mainpuri informing that? the Secretary, Secondary Education Board, Uttar Pradesh, in its meeting dated 29.9.2011 took a decision to de-recognize the Board of Secondary Education, Madhya Bharat, Gwalior (Madhya Pradesh) and pursuant to this decision, educational certificate issued by the aforesaid Board of Gwalior has not been given due credit and the candidature of the petitioner was cancelled. In the Minutes of the meeting, the decision taken at item no. 8 relied above reads as under:

" निर्णय संख्या-आठ परिषद द्वारा निम्नांकित परीक्षा संस्थाओं जो विधि द्वारा

निर्णय लिया गया है:-

1. बोर्ड आफ हायर सेकेण्डरी एजुकेशन दिल्ली
2. बोर्ड आफ सेकेण्डरी एजुकेशन मध्य भारत ग्वालियर

परिषद ने यह भी निर्णय लिया है कि परिषद द्वारा केवल उन्ही परीक्षा संस्थाओं को समकक्षता प्रदान की जाय जो विधि द्वारा स्थापित हो।

परिषद के निर्णय के परिप्रेक्ष्य में विनियम संशोधन का प्रस्ताव शासन को पत्रांक परिषद-9/डी0ई0/351 दिनांक 18 अगस्त 2011 द्वारा भेज दिया गया है।

इसी के साथ परिषद ने परिषद विनियमों के अध्याय बारह तथा चौदह में उल्लिखित परीक्षा संस्थाओं के सम्बन्ध में निर्णय लिया है कि जो परीक्षा संस्थायें अस्तित्वहीन हो गयी हैं, उन्हें विनियमों से हटाये जाने के सम्बन्ध में सभापति तथा सचिव, माध्यमिक शिक्षा परिषद यथवांछित कार्यवाही करें। परिषद के उक्त निर्णय पर कार्यवाही गतिमान है।"

A copy of the aforesaid letter dated 20.12.2011 be kept on record.

It is, thus, evident therefrom that the Board had taken a decision to de-recognize Board of Secondary Education, Madhya Bharat, Gwalior (Madhya Pradesh) in its meeting dated 29.9.2011 and has proposed amendment of the Regulation by sending the proposal to the State Government.

It is not the case of the respondents that institutions mentioned at item no.8 have been de-recognized with retrospective effect by the Board of High School and Intermediate Education, U.P. Allahabad. The persons, who have obtained education from those institutes in past, cannot be disqualified by a prospective decision taken by the Secretary, Secondary Education Board, Uttar Pradesh for de-recognizing the Board of Secondary Education, Madhya Bharat, Gwalior (Madhya Pradesh). Moreover, the Regulation is yet to be amended and hence the above decision on its own is not operational.

In the circumstances, petitioner who has obtained education at the time when the Board of Secondary Education, Madhya Bharat, Gwalior was duly recognized, can not be held unqualified or ineligible to be

considered for BTC Course, 2011.

Writ petition is allowed. The respondent no.3 is directed to consider petitioner's candidature for BTC Course, 2011 and it shall not be rejected only on the ground that certificates obtained by the petitioner from the Board of Secondary Education, Madhya Bharat, Gwalior? is now not recognized by U.P. Board.

Order Date :- 2.3.2012

RKSh

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*Kumar*  
15-6-16

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