

Supreme Court of India

Jawaharlal Nehru University ... vs Jawaharlal Nehru University And ... on 18 January, 1985

Equivalent citations: AIR 1985 SC 567, 1985 LabIC 762, (1985) IILLJ 330 SC, 1985 (1) SCALE 53, (1985) 2 SCC 32, 1985 (17) UJ 457 SC

Author: O C Reddy

Bench: O C Reddy, R Misra

JUDGMENT O. Chinnappa Reddy, J.

1. The Jawaharlal Nehru University Students' Union, in all good faith and in their zest to pursue what they apparently consider a just cause have filed the present application for the issue of a writ to consider the claims of graduates who have undergone the (10+2+2) course of study for admission to the written entrance examination to acquire eligibility to be admitted into the Post-graduate course of study in the Jawaharlal Nehru University. We have tried to take the most sympathetic view possible but we find it impossible to intrude into the academic arena and accept responsibility for any amateur tinkering with matters of educational policy.

2. According to the present policy of the University, eligibility for admission to the Entrance examination for post-graduate courses is now confined to those graduates who have undergone a (10+2+3) years' course of study, that is those who have undergone a course of study for three years' in an University after 10 years' schooling and Intermediate. Although the 10+2+3 years' course of study has been introduced in many States, it has not been so done in the State of Bihar. What prevails there is a course of study of (10+2+2) years. Such graduates, under the existing policy of the Jawaharlal Nehru University, are not eligible for admission to Postgraduate course of study unless they do one year's 'bridge course' in some University which provides for it. The petitioners question this exclusion of (10+2+2) graduates as arbitrary and ask why they should not be allowed to appear at the entrance examination along with the (10+2+3) graduates. The reason is apparent. Admission to the Entrance Examination to the Jawaharlal Nehru University is obviously open only to those who have done a course of study for full 15 years, out of which three years must have been at the University level. In the counter-affidavit filed on behalf of the University it is stated that the admission policy of the Jawaharlal Nehru University is in line with the National Policy of education. It is explained :

Students from both streams are entitled to admission in two years Intermediate Course, followed by two years course for a Bachelor's degree. Thus, some students in the State of Bihar itself qualify Bachelor's degree under 10+2+2, while others under 11+2+2 system. Obviously, the students who have joined Intermediate after 10 years' schooling, have not undergone schooling equivalent to the students coming from the other streams and the courses of Intermediate have to be adopted to suit the students coming after 10 years' schooling. For the same reason, the standards of B.A. or B.Sc. as the case may be, after 10+2+2 cannot be the same which would be in the Universities following 11+1+3 or 11+2+2 or 10+2+3 system.

Not only the State of Bihar but also in various other States, different patterns of education are being followed. The University, therefore, before implementation of new policy, examined various patterns and systems of education followed in different Universities. Jawaharlal Nehru University

has also to ensure the gap between students joining its programmes and disciplines from various parts of the country is narrowed down in terms of their academic background to the extent feasible, so that students from different States are able to cope with the courses taught in this University. Keeping in view the above objective, the Academic Council of the University resolved that only such students who have come through 10+2+3 or equivalent courses be admitted in the University. Courses like 11+3 or 10+2+2 will be considered equivalent to 10+2+3 courses only provided such students have undergone one year M.A. course of a recognised University in their own State (in lieu of the bridge course) will be considered eligible for admission to JNU. The Council further resolved that even such students who have done 11+2+2 will be considered equivalent to 10+2+3 provided the entry to the first year of the plus 2 stage (Intermediate) was not open to those with 10 years of schooling.

It may be mentioned that several Universities like Delhi and BHU also accept students for admission for the two years M.A. programme only after 10+2+3 or equivalent qualifications and from States which have yet to switchover to 10+2+2 or 11+3 only, after such students have undergone one year's bridge course or M.A. Previous course in their own State before being considered eligible for admission.

At the Conference of Vice-Chancellors it was recommended, The universities should have a three-year degree course, which some universities would call honours courses, and this opportunity should be taken to strengthen the level of courses and update and modernise their content in view of the opportunity made possible by the 2-year post 10-year school including some part of the 1st year programme of the present 1st degree course.

Some universities plan 2-year pass 1st degree course after 10+2. They should make a provision for pre-postgraduate course of one-year of a bridge course to prepare their students for entry to post-graduate courses.

In the counter-affidavit filed on behalf of the University Grants Commission it is stated :

It is further submitted that the rationale behind the insistence of provision for pre-post-graduate course or a bridge course of one year to prepare the students for every University to Post-graduate Courses is to bring them at par with universities having 10+2+3 pattern of education i.e. after school education, universities should have a 3 years' degree course. However, some universities are having 2 years degree course i.e. 10+2+2 or 11+2+2. In this case the college education is only 2 years and not 3 years. But if student from such universities wants to join Post-graduate studies, he must be brought to the level of 3 years degree course. Infact this is to co-ordinate and maintain standard of education at the pre-post-graduate level and not to bar students from those universities who are having 10+2+2 or 11+2+2.

3. It is therefore clear that the Admission Policy of the Jawaharlal Nehru University is in no manner arbitrary but has a perfectly rational basis. There is good reason and sufficient justification for the policy. As indicated by us earlier in several cases, it is not for this court to venture to pronounce upon question so purely academic in nature. We are therefore, unable to interfere in this petition

which we accordingly dismiss.