



HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition Misc. Single No.2105 of 2024

18 March, 2026

Shweta Bhandari and Another --Petitioners

Versus

HNB Garhwal University Central Srinagar and Another
--Respondents

Presence:-

Mr. Susheel Kumar, learned counsel for petitioners.

Dr. Kartikey Hari Gupta, learned counsel for respondent No.1-University.

Mr. Ravi Babulkar, learned counsel for respondent No.2-Institution.

Hon'ble Pankaj Purohit, J.

This writ petition has been filed by the petitioners seeking a writ of mandamus commanding and directing the respondent No.1 to declare the final result (including the 4th semester) of petitioners of two years B.Ed. Course and if successful, award the degree forthwith.

2. The facts in brief are that petitioners appeared in B.Ed. entrance examination conducted by respondent No.1-University and they were successful and found place in the merit list of said examination. Petitioners took admission in the respondent No.2-institution under Economically Weaker Section (EWS) category as directed by the Ministry of Human Resources Development, wherein, Institutions were directed to implement the 103rd Constitutional Amendment, whereby, reservation was provided to Economically Weaker Sections of the Society. Petitioners successfully completed two years B.Ed. Course. After completion of the B.Ed. Course,



respondent No.2 has sent the marks of the petitioners to respondent No.1-University to declare their result, but the same was not declared saying that respondent No.2 was only permitted to induct 100 students and since petitioners were beyond the limit of 100 students, therefore, their result cannot be declared.

3. Feeling aggrieved by the inaction on the part of respondent No.1-University for not declaring their result, petitioners have filed this writ petition before this Court.

4. Counter affidavits have been filed by both the respondents.

5. Respondent No.2-institution in its counter affidavit stated that Ministry of Human Resource Development issued an Office Memorandum dated 17.01.2019 annexed as Annexure No.1 to the counter affidavit. Clause 2(c) of the said O.M. is provides as under:-

“Clause 2(c):- Every Central Educational Institution shall, with the prior approval of the appropriate authority (as defined in clause (c) of Section 2 of The Central Educational Institutions (Reservation in Admission) Act, 2006), increase the number of seats over and above its annual permitted strength in each branch of study or faculty so that the number of seats available, excluding those reserved for the persons belonging to the EWSs, is not less than the number of such seats available, in each category, for the academic session immediately preceding the date of the coming into force of this O.M.”

6. The said notification contained a Schedule and in the Schedule, name of respondent No.1-University is at S.No.39. Respondent No.2 further submits that the NCTE also issued a letter dated 08.07.2019, addressing to all Principal Secretaries of State Governments/UTs, all Vice-Chancellors of State and Central Universities and all SCERTs Directors, requesting them to implement 103rd Constitutional Amendment in respect of the reservation policy for admission in teacher education institutions without affecting the percentage reservations of SC/ST/OBC/General.



7. Apart from that, pursuant to the aforesaid O.M. dated 17.01.2019, respondent No.1-University under the hand of its Registrar had written a letter dated 24.09.2019 to the President of Association of Self-finance Institutes Uttarakhand to implement the letter issued by the NCERT dated 08.07.2019, which was issued regarding the implementation of 103rd Constitutional Amendment.

8. It is contended by learned counsel for respondent No.2 that it is only after these correspondences, respondent No.2 inducted 106 students including the petitioners in two years B.Ed. Course 2019-21.

9. It is further contended by him that since it was a question of implementation of 103rd Constitutional Amendment, therefore, by applying the same, no illegality has been committed by it in giving admission to the students over and above 100 students. And, therefore, respondent No.1-University cannot withhold the result of the petitioners.

10. A counter affidavit has also been filed by respondent No.1-University, wherein, it has been stated that the respondent No.2-Institution has not taken a separate affiliation letter by the University for implementation of the 103rd Constitutional Amendment and to induct more than 100 students in the Institution.

11. Learned counsel for petitioners submits that petitioners cannot be found at any fault while taking admission in the respondent No.2-Institution and this is the internal dispute of respondent No.1-University and respondent No.2-Institution, which cannot be made a ground to the sufferings of the petitioners.



12. He further submits that petitioners were given admission under the EWS category and they have completed their Course in the year 2021, while they are still groping in dark in the lack of result of two years B.Ed. Course.

13. Per contra, learned counsel for respondent No.1 harped upon the contention raised in the counter affidavit that the respondent No.2-Institution cannot give admission beyond the sanctioned limit of 100 students without getting clear cut affiliation letter from respondent No.1-University.

14. Learned counsel for respondent No.2 vehemently submitted that once the permission has been granted by the respondent No.1-University vide order dated 24.09.2019, only formality has remained of issuance of an affiliation letter, and therefore, it cannot come in a way to in part justice to the petitioners who pursued their two years B.Ed. Course successfully.

15. Having heard the learned counsel for the parties and having perused the record of the writ petition as well as the relevant documents relied upon by the respective counsel, this Court is of the view that the purpose of issuance of Office Memorandum by the Ministry of Human Resources Development was to give immediate benefit of the 103rd Constitutional Amendment to the entitled persons including the petitioners, and it is only after the NCTE approval in its letter dated 08.07.2019 and subsequent letter issued by the University dated 24.09.2019, the admission has been given to petitioners. The argument which has been advanced by learned counsel for respondent No.1-University that a formal affiliation letter is needed run



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contrary to the permission granted by the University in its letter dated 24.09.2019. The same is accordingly brushed aside and is rejected.

16. In view of the discussions made hereinabove, this Court is of the view that the present writ petition deserves to be allowed.

17. Accordingly, the present writ petition is allowed. A mandamus is issued to respondent No.1- University to immediately declare the result of the petitioners within a period of 15 days from today.

18. Pending application(s), if any, stands disposed of.

(Pankaj Purohit, J.)
18.03.2026

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