SMT. YASHOMATI HARSUKHLAL LATHIA AND ORS.

ν.

SAURASHTRA KUTCH STOCK EXCHANGE AND ORS.

## OCTOBER 30, 1995

B [K. RAMASWAMY AND B.L. HANSARIA, JL]

Α

Saurashtra University Act, 1965 (as amended by Gujarat Secondary Education (Amendment) Act, 1978.

C S.43(1)—Higher Secondary School Certificate Examination—Held it means twelth standard—By virtue of amendment, eleventh standard was made equivalent to Higher Secondary School Certificate Examination.

The appellant passed Matric, which was equivalent to 11th standard in Gujarat State, Saurashtra region. She applied for membership of the Stock Exchange. Her application was rejected on the ground that she did not have the qualification of 12th standard. Unable to succeed before the High Court She has preferred the present appeal.

## Allowing the appeal, this Court

HELD: In view of the words "in the eleventh Standard or the Higher Secondary School Certificate Examination" inserted after the words "Secondary School Certificate Examination" in clause (1) of S.43 of the Saurashtra University Act, 1965, by Gujarat Secondary Education (Amendment) Act, 1978, and the Explanation thereto, it is clear that "Higher Secondary School Certificate Examination" means the examination of the twelth Standard. The appellant having passed the eleventh standard examination was thus qualified for consideration of membership of the Stock Exchange. [523-D]

G CIVIL APPELLATE JURISDICTION: Civil Appeal No. 10004 of 1995.

From the Judgment and Order dated 8.2.95 of the Gujarat High Court in S.C.A. No. 8508 of 1991.

H S.H. Raichura, H.M. Lathia and H.A. Raichura for the Appellants.

C.D. Singh, H. Munshi and Anil Sachthey for the Respondents.

A

The following Order of the Court was delivered:

Leave granted.

Only controversy is whether the first appellant fulfilled the qualifications of 12th standard prescribed for consideration of her membership of the Stock Exchange. Admittedly, the appellant passed Matric which is equivalent to 11th standard in Gujarat State, Saurashtra region. The Saurashtra University Act, 1965 (Gujarat Act 39 of 1965) was amended by the Gujarat Secondary Education (Amendment) Act, 1978, (Gujarat Act No. 32 of 1978) which was published after receipt of the assent of the President in the "Gujarat Government Gazette" on the 29th September, 1978. It provided that in section 43 clause (i) after the words "Secondary School Certificate Examination" the words "in the eleventh standard or the Higher Secondary School Certificate Examination" shall be inserted. The Explanation thereto clearly amplifies that the "Higher Secondary School Certificate Examination" means the examination of the students in the twelfth standard. The first appellant having passed the eleventh standard examination was thus qualified for consideration of membership of the Stock Exchange. The Screening Committee had rejected her petition on the ground that the first appellant had not have the qualification of 12th standard in that behalf; it was, however, not brought to its notice that by virtue of the aforementioned amendment, the eleventh standard was made equivalent to Higher Secondary Certificate Examination.

In view of the legal position set out above, the first appellant is entitled to be considered by the appropriate Committee whether she could be admitted as a member of the Saurashtra-Kutch Stock Exchange at Rajkot. The appeal is accordingly allowed. The Screening Committee would consider and dispose of the claim of the first appellant within a period of eight weeks from the date of the receipt of this order. No. costs.

R.P.

Appeal allowed.

В

\_

D

E

F