

PETITIONER:
SMT. YASHOMATI HARSUKHLAL LATHIA & ORS.

Vs.

RESPONDENT:
SAURASHTRA KUTCH STOCK EXCHANGE & ORS.

DATE OF JUDGMENT 30/10/1995

BENCH:
RAMASWAMY, K.
BENCH:
RAMASWAMY, K.
HANSARIA B.L. (J)

CITATION:
1995 SCC Supl. (4) 156 JT 1995 (8) 337
1995 SCALE (6) 334

ACT:

HEADNOTE:

JUDGMENT:

O R D E R

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 there to 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 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.

JUDIS