

(2009) 02 J&K CK 0017

In the Jammu And Kashmir High Court

Case No : Service Writ Petition (SWP) No. 187/06

Bilal Ahmed Najar

APPELLANT

Vs

State of Jammu & Kashmir and Others

RESPONDENT

Date of Decision : 27-02-2009

Acts Referred:

Citation : (2010) 2 JKJ 218

Hon'ble Judges : Hakim Imtiyaz Hussain, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Hakim Imtiyaz Hussain, J.—Petitioner has obtained Bachelor of Computer Applications (for short BCA) degree from Makhan Lal

Chaturvedi Rashtriya Patrakarita Vishwavidalaya, Bhopal. He applied for the post of Rehbar-i-Taleem in Govt. School Khrew, Pulwama. He

claims preference on the basis of his higher qualification i.e. BCA and states that he be given weightage on this basis and be appointed on the post.

2. Respondents have resisted this petition on the ground that the degree obtained by the Petitioner is not recognized by the Education Department or by the University of Kashmir.

3. In the reply submitted by the Respondents 1 to 4 it is stated that the Petitioner claims that BCA degree of the Petitioner be treated as equal to

graduation. This relief, according to the Respondents, is legally impermissible as the degree obtained by him is through distance mode from

Makhan Lal Chaturvedi Rashtriya Patrakarita Vishwavidalaya, Bhopal through Kawa Institute which has not been recognized by the Kashmir

University. They have further stated that the Kashmir University has not granted

equivalence to the degrees awarded through the study centres in view of the Private Colleges Regulation and Control Act.

4. Respondent-5 University of Kashmir has in a separate reply, stated that the Kawa Institute of Management at Srinagar is neither recognized nor affiliated with the University of Kashmir. The Institute is a study centre affiliated to Makhan Lal Chaturvedi Rashtriya Patrakarita Vishwavidalaya, Bhopal. The said University is recognized one and exists in AIU handbook. However, the degree awarded through distance mode has not been recognized by the University of Kashmir.

5. Heard.

6. Learned Counsel for the Petitioner has referred to the recognition granted to Makhan Lal Chaturvedi Rashtriya Patrakarita Vishwavidalaya, Bhopal by the University Grants Commission (UGC). He has also referred to annexures to the petition to show that even Kawa Institute of Management has been recognized by the UGC. Learned Counsel states that the Respondents have fell into an error in looking for equivalence degree from the University of Kashmir while as, the present case is not regarding equivalence but the degree obtained by the Petitioner is the one which has been duly recognized by the University Grants Commission.

7. On consideration of the matter I could not find any ground for admission of the present petition. The Petitioner has obtained a degree in distance education which admittedly is not a recognized degree by the University of Kashmir or by the Government of Jammu & Kashmir as such the degree obtained by the Petitioner cannot be treated as a valid degree in so far as employment in the State is concerned.

8. It is urged by the learned Counsel for the Petitioner that though the degree obtained by the Petitioner is through distance education mode it is not in fact so as the Petitioner has attended regular classes at the Kawa Institute of Management. This in my view will not help the Petitioner.

Admittedly the degree under the distance education programme by the said Institute or the said University has not: till date been recognized either by the University of Kashmir or by the Government, so the Petitioner cannot take benefit of the same.

9. Learned Counsel has further referred to the stand taken by the University of Kashmir wherein the University authorities have stated that the

degree is not recognized by the University for academic purpose and that it is for the State Government to consider it for employment purpose.

The State Government has admittedly not recognized the degree for the purpose of employment as such the Petitioner cannot claim any weightage

on the basis of such degree.

10. In these circumstances this petition is dismissed.