

(2010) 10 KL CK 0034

In the High Court Of Kerala

Case No : Writ Petition (C) . No. 11337 of 2009 (J)

Dr. N. Raveendran

APPELLANT

Vs

University Grants Commission and Others

RESPONDENT

Date of Decision : 12-10-2010

Acts Referred:

University Grants Commission Act, 1956 — Section 22, 3

Citation : (2010) 10 KL CK 0034

Hon'ble Judges : T.R. Ramachandran Nair, J

Bench : Single Bench

Advocate : Raju K. Mathews, for the Appellant; T.P.M. Ibrahim Khan, Asst. S.G., for the Respondent

Final Decision : Dismissed

Judgement

T.R. Ramachandran Nair, J.—This Writ Petition is filed by the petitioner seeking the following reliefs.

(i) to issue a writ of mandamus or other appropriate writ, direction or order directing respondents 1 and 2 to recognise M. Ed. courses offered by the 3rd respondent.

(ii) to issue a writ of mandamus or other appropriate writ, direction or order directing the respondents to recognise the M. Ed. Degrees awarded by the 3rd respondent as equivalent to the degrees awarded by the Universities of Kerala and on that basis to consider the petitioner for appointment in suitable post in B. Ed. Colleges under the University.

2. The petitioner is having Ph. D and D. Lit in Social Science. The 3rd respondent is conducting an Off Campus Centre at Attingal and the 5th respondent is the Principal of the said Centre. They have been offering M. Ed. Degree and accordingly the petitioner also joined the course and passed the same with first class. Exhibit P1 is the certificate showing the same. According to the petitioner, the standard of the courses offered, papers taught, the course content and the

duration of the course offered by the University of Kerala and the 3rd respondent through its Centre are identical in every respects. The 3rd respondent is one constituted under the Societies Registration Act, unlike the Kerala University, which is formed under the Act of Legislature.

3. Earlier, the first respondent had published a list of fake Universities in the Websites and the 3rd respondent was not included therein. It is in these circumstances that the petitioner approached this Court seeking various reliefs. The learned Counsel for the petitioner submitted that in the light of the decision of the Apex Court in Prof. Yashpal and Another Vs. State of Chhattisgarh and Others, , the institutions formed under the enactment that was declared invalid by the Hon''ble Supreme Court will be granted affiliation by the State University. The welfare of the students should get appropriate attention by the Universities.

4. The University Grants Commission has filed a counter affidavit. With regard to the status of the 3rd respondent, it is averred in paragraph No. 9 that the 3rd respondent is not a University either established or incorporated by or under the Central Act, a provincial Act or a State Act. Further, it is also not a Deemed University within the meaning of Section 3 of the UGC Act, 1956. In the circumstances, it is pointed out that the 3rd respondent is not entitled to award degree in view of the provisions contained in Section 22 of the UGC Act, 1956. In paragraph No. 12, it is stated that the 3rd respondent misrepresented itself as a University to mislead the students. There were complaints before the Commission in the matter and it appears that the 3rd respondent has filed civil suits also.

5. The learned Standing Counsel for the University also submitted that so far as the Norms for Recognition of Degrees and Examinations of other Universities are concerned, such Degrees/Examinations taken after regular course of study awarded by Statutory Universities/Institutions be recognised as equivalent to the corresponding Degrees/Examinations of the Kerala University.

6. That the 3rd respondent is not a statutory University is beyond dispute. It is established only under the Societies Registration Act, In the light of the stand taken by the University Grants Commission, they are not entitled to award Degrees also.

Therefore, there will not be any purpose in directing the University to consider the grant of recognition. In that view of the matter, nothing survives in the Writ Petition and the same is dismissed.