
(2001) 04 AP CK 0072

In the Andhra Pradesh High Court

Case No : Writ Petition No. 7353 of 2001

Dr. P.M. Bhargava and others

APPELLANT

Vs

University Grants Commission, New Delhi and another

RESPONDENT

Date of Decision : 27-04-2001

Acts Referred:

Constitution of India, 1950 — Article 51

University Grants Commission Act, 1956 — Section 12, 5

Citation : (2001) 3 ALD 804 : (2001) 3 ALT 615

Hon'ble Judges : S.B. Sinha, C.J.; V.V.S. Rao, J

Bench : Division Bench

Advocate : Mr. Prabhakar Sripada, for the Appellant; Mr. Deepak Bhattacharji, SC for Central Government, for the Respondent

Judgement

S.B. Sinha, CJ.

1. Whether the University Grants Commission constituted under the University Grants Commission Act, 1956 (for short "the Act") can grant recognition to degree and post-graduate courses (B.Sc and M.Sc) in Vedic Astrology called Jyothirvignan in various Universities is the question involved in this writ application.

The first petitioner is a renowned scientist. The petitioners herein question the decision of the University Grants Commission in according permission to the Universities for starting courses in Jyothirvignan. The stated objectives for issuing the guidelines by the University Grants Commission in this connection are:

Vedic astrology is not only one of the main subjects of our traditional and classical knowledge but this is the discipline which lets us know the events happening in human life and in universe on time scale.

The distinguishing feature of this subject is that it makes us familiar with time, its nature and feature and its effects on human life and other events and that way it helps us to manage and make optimal utilisation of time.

It is a common feature that despite best methods adapted for estimation, the events happen in different way and add to worries, tensions and frustration in life. Here Vedic astrology can help to see the unforeseen, it being the subject dealing with time.

Starting of the courses in Vedic astrology in Universities will not only impart the knowledge of this subject to the people but will also add a new dimension for research in the fields of Hindu-mathematics, Vastushastra, Meteorological studies, agriculture science, space science, etc.

2. The contention of the petitioners is that the said guidelines are totally irrational as Vedic astrology cannot be held to see the unforeseen. Various scientists and writers like the petitioners herein are of the opinion that having regard to the provisions contained in Article 51-A of the Constitution, astrology cannot be said to be a subject which should be taught in the University. The Act was enacted to make provisions for the coordination and determination of standards in institutions for higher education or research and scientific and technical institutions and for that purpose to establish a University Grants Commission (for short "UGC"). UGC has been constituted in terms of Section 4 of the said Act. Chapter III of the said Act deals with powers and functions of the Commission. Section 12 speaks of the general duty of the Commission to take, in consultation with the University or other bodies concerned all such steps as it may think for promotion and co-ordination of University education and for the determination and maintenance of standards of teaching, examination and research in Universities, and for the purpose of performing its functions under the Act. Inter alia the functions specified therein are to perform such other functions as may be prescribed or as may be deemed necessary by the UGC for advancing the cause of higher education in India or as may be incidental or conducive to the discharge of the above functions.

3. The UGC consists of several experts as laid down in Section 5.

4. The teachers of the Universities and experts who have knowledge of, or experience in agriculture, commerce, forestry or industry or other members of the engineering, legal, medical or any other learned professions are members of the UGC.

5. Section 12(b) of the Act reads:

Allocate and disburse, out of the Fund of the Commission, grants to Universities established or incorporated by or under a Central Act for the maintenance and development of such Universities or for any other general or specified purpose.

6. Article 51-A of the Constitution whereupon reference has been made by the petitioners inter alia provides for duties to develop the scientific temper, humanism and the spirit of inquiry and reform. Astrology in some quarters considered to be a science and is stated to be equivalent to astronomy. However, the scientists of the western countries considered the same to be a pseudo

science.

7. Webster's dictionary defines "astrology" to mean:

the science or doctrine of stars, and formerly often used as equivalent to astronomy, but now restricted in meaning to the pseudo science which claims to foretell the future by studying the supposed influence of the relative positions of the moon, sun, and stars on human affairs.

8. Encyclopedia Britannica (2nd edition) defines astrology to mean:

Defined as either a science or a pseudo science, astrology - the forecasting of earthly and human events by means of observing and interpreting the fixed stars, the sun, the moon, and the planets - has exerted a sometimes extensive and a sometimes peripheral influence in many civilizations, both ancient and modern. As a science, astrology has been utilized to predict or affect the destinies of individuals, groups, or nations by means of what is believed to be a correct understanding of the influence of the planets and stars on earthly affairs. As a Pseudo science, astrology is considered to be diametrically opposed to the findings and theories of modern western science.

9. Thus in the opinion of the experts, astrology is a subject which requires pursuit of further studies. In the opinion of this Court it, in exercise of its jurisdiction under Article 226, would not interfere therewith.

10. We may mention that as to whether Yoga should be included being a part of science in courses of studies or not was highly debatable matter. The UGC has recently conferred the status of a deemed University upon Mangeskar School of Yoga in the State of Bihar. We are referring to this fact only for the purpose of showing that difference of opinion may not by itself would be a decisive factor in arriving at a policy decision. Opinion of experts changes from time to time as regard a particular subject,

11. The Courts, ill-equipped as regards such matter, adopt the doctrine of selfrestraint and leave such matters at the hands of the Expert Committee. The opinion of the expert Committee may be a subject-matter of debate but forum therefore must be found elsewhere and not in a Court of law. In any event, as it appears, no final decision has been arrived at as is evidenced from the prayer made by the petitioners in the writ petition and as such we are of the opinion that at this stage, this Court may not interfere with the decision making process of the UGC in this regard.

12. It is one of the fundamental principles of administrative law that the Court exercising power of judicial review would not normally tinker with a policy decision. In *Ramesh Kumar Satish Kumar and Sons v. Guru Singh Sabha (Regd)*, 2001 AIR SCW 740, it was held:

.....In our view, the question of interpretation of the terms "occupant" would only have arisen if the Government had not clarified as to whom they wanted to allot

the land. Once the Government by its letter dated 24th June, 1987 clarified that the land was to be transferred to the actual occupant no question then arose of interpreting the term "occupant" as meaning a de jure occupant.

13. Also see *M. Byranna Vs. Director, Central Cattle Breeding Farm and Another*, *Berhampur University and another Vs. Dr. Sailabala Padhi*, . The above decisions of the Apex Court have been considered recently by a Division Bench of the Court in WA Nos.1482,1496 and 1372 of 1998.

14. Yet again the aforementioned decision has been arrived at by an expert Committee. The High Court does not have the expertise to interfere with a decision of such a Committee unless it is inter alia found to be contrary to law or having been made on extraneous considerations. In *Kshetriya Kisan Gramin Bank v. D.B. Sharma*, , the Apex C(2001) 1 SCC 353ourt held:

.....The next question that arises for consideration is as to what extent the High Court would be justified in exercise of its extraordinary jurisdiction under Article 226 to interfere with the findings of an Expert Body like the Equation Committee. In *State of U.P. and Others Vs. J.P. Chaurasia and Others*, , this Court unequivocally held that in the matter of equation of posts or equation of pay, the same should be left to the Executive Government, who can get it determined by expert Bodies like Pay Commission, and such Expert Body would be the best Judge to evaluate the nature of duties and responsibilities of posts and when such determination by a Commission or Committee is made, the Court should normally accept it and should not try to tinker with such equivalence unless it is shown that it was made with extraneous consideration. Bearing in mind the aforesaid parameters and on examining the impugned judgment of the Allahabad High Court, we have no hesitation to come to the conclusion that the High Court has tried to tinker with the conclusions and decisions of the Equation Committee, even in the absence of any allegations or materials that such decision of the Equation Committee was on extraneous considerations.

This Court while judging an issue of the aforementioned nature may not take into consideration individual opinion.

15. A statutory body, having regard to the difference in opinion may consider the necessity to develop the spirit of enquiry which would also come within the purview of research activities.

16. For the reasons aforementioned this Court is of the opinion that the writ petition is not maintainable. The writ petition is accordingly dismissed. No costs.