

(2010) 08 KL CK 0266
In the High Court Of Kerala
Case No : WA No. 1350 of 2010

Dr. Yamuna George

APPELLANT

Vs

The Registrar

RESPONDENT

Date of Decision : 10-08-2010

Acts Referred:

Citation : (2010) 08 KL CK 0266

Hon'ble Judges : P.S. Gopinathan, J; C.N. Ramachandran Nair, J

Bench : Division Bench

Advocate : P. Ramakrishnan, for the Appellant; No Appearance, for the Respondent

Judgement

C.N. Ramachandran Nair, J.—Heard Counsel for the appellant and standing Counsel for the Calicut University. The appellant after taking M.Sc. degree in bio-technology from the Periyar University in Tamil Nadu joined Ph.D. course in the Calicut University wherefrom she took Ph.D degree in the same subject. Even though M.Sc. degree obtained from Periyar University was treated as eligible qualification for permitting the appellant to join for Ph.D. course, and she was in fact awarded Ph.D. degree, the case of the University is that for the purpose of employment, wherein M.Sc. in bio-technology is a qualification, the post-graduate degree obtained from the Periyar University is not equivalent to M.Sc. degree of other Universities, post-graduate degree of which is recognised by Calicut University as qualification for appointment of lecturer. Of course if the qualification obtained from another University is not equivalent to the qualification which is the basic requirement for eligibility for the post, the University will be right in rejecting the appellant's application. However, strangely, for the purpose of awarding Ph.D. degree in the same subject appellant's M.Sc. in biotechnology obtained from Periyar University was accepted by the University as equivalent to it's M.Sc. degree. Apprehending rejection of application, appellant filed Writ Petition for direction to the University to consider the issue of equivalency certificate which is to be done by academic council of

the University. Necessarily academic council has to keep in mind the decision taken by the University to permit the appellant to join for Ph.D. course in the same subject wherein the qualification required is M.Sc. from a recognised University. In view of the apparent conflicting stand taken by the University for the purpose of awarding Ph.D. degree and for considering eligibility for appointment as lecturer, we feel academic council has to take a balanced view after considering the value of the M.Sc. degree taken by the appellant. It is not known whether deficiency or inadequacies in the M.Sc. syllabus and the said degree could be rectified or supplemented by Ph.D. degree awarded to the appellant by the Calicut University. We therefore dispose of the Writ Appeal directing the University to entertain the appellant's application provisionally and if eligibility is decided by the academic council in favour of the appellant, her application will be processed and decision taken. The academic council will give an opportunity to the appellant to demonstrate the worth and equivalence of her M.Sc. degree with Ph.D. degree obtained. Decision has to be taken urgently because processing of applications of other applicants should not be held up on account of objection raised in the appellant's case. Necessarily appellant's application will have to be processed along with the applications of other applicants.