

(2012) 06 J&K CK 0007

In the Jammu And Kashmir High Court

Case No : Others Writ Petition (OWP) No. 674 of 2010 c/w OWP No's. 888 of 2010, SWP No's. 53 of 2011, 1466 of 2010, 737 of 2011, 238 of 2011, 680 of 2011, 2332 of 2011, 2219 of 2011, 979 of 2011, 1432 of 2010, 1481 of 2011, 739 of 2011, 726 of 2011, 894 of 2011, 75

Khursheed Ahmad Sheikh and Others

APPELLANT

Vs

State and others

RESPONDENT

Date of Decision : 06-06-2012

Acts Referred:

University Grants Commission Act, 1956 — Section 1, 22, 3

Citation : (2012) 06 J&K CK 0007

Hon'ble Judges : Mansoor Ahmad Mir, J

Bench : Single Bench

Advocate : M. Ajaz, Mr. H. Furrhi, Mr. Zahoor A. Shah, Mr. S.R. Khawar, Mr. Jahangir Iqbal Ganai, Mr. Mudasir Bin Hassan, Mr. Mir Javed, Mr. Mir Shafaqat Hussain and Mr. Javed Hamid, for the Appellant; A.M. Magray, Advocate, Mr. J.A. Kawoosa, Advocate, Mr. S.A. Naik, Advocate, Mr. Mir Suhail, Advocate, Mr. S.A. Makroo, Advocate, Mr. Shabir Ahmad Khan, Advocate, Mr. B.A. Bashir, Advocate, Mr. Tassaduq H. Khawaja, Advocate, Mr. Mufti Mehraj-ud-Din, Advocate, Mr. G.A. Lone, Advocate, Mr. Manzoor Ahmad Dar, Advocate and Mr. Qazi Ayaz, for the Respondent

Final Decision : Dismissed

Judgement

Mansoor Ahmad Mir, Judge

1. By the medium of this judgment, all the writ petitions are proposed to be disposed of together as the controversy involved is similar and raise

common question of law and facts. OWP No. 674/2010 c/w 888/2010, SWP Nos. 1432/2011, & 1481/2011 In these writ petitions, the

petitioners have averred that they have on their credit the Post Graduate Degrees obtained from Ponnaiyah Ramajayan Institute of Science &

Technology, University, Tamil Nadu, Thanjavur, hereinafter for short as PRIST and

the same has not been considered by the respondents while making selection for the posts of Rehbar-e-Taleem for different Primary and Middle Schools of District Budgam.

2. The petitioners allege discrimination on the part of respondents to the effect that while making selection, the degrees obtained from PRIST have

not been given any weight-age resulting in petitioners' exit from the consideration zone. That the University is recognized by respondent No. 5 and

is competent to undertake Post Graduate Courses and thereafter issue certificates to successful candidates.

3. It is further averred that petitioners' merit has been turned into demerit by the inaction of respondents; therefore, they are aggrieved of the same

and seek appropriate directions. SWP No. 53/2011 c/w 1466/2010, 737/2011, 238/2011, 680/2011, & 2332/2010

4. In these writ petitions, the petitioners again seek weight-age to their academic qualification obtained through PRIST, but have in addition sought

writ of certiorari to the effect that notification No. 47063-66 dated 05.01.2011-Annexure D, by virtue of which the selection was notified and

respondent No. 5 and 6 were shown selected, be quashed. In OWP No. 2332/2010 it is also prayed that respondents be prohibited not to make

any appointment in pursuance to impugned selection. SWP No. 2219/2011 c/w 979/2011,

5. The petitioners in these petitions have to their credit, B.A, M.A. & B.Ed from Kashmir University and M.Ed. from PRIST University; have been

interviewed for the post of Teacher in District Cadre Pulwama. They apprehend that despite being interviewed, they, like others, may not receive

the due consideration to their M.Ed degrees obtained from PRIST University, therefore, seek a direction to this effect in the name of respondents.

SWP No. 739/2011, c/w 726/2011, 894/2011, 756/2011, 837/2011, & 823/2011

6. Petitioners in this writ petition seek a direction in the name of respondents to the effect that they be interviewed and their higher qualification of

M.Ed. obtained from PRIST be given due weight-age. SWP No. 2275/2011

7. The petitioners in this writ petition are nine in number, out of which one stands deleted. The petitioners 1 to 7 seek due consideration and

weight-age to their higher qualification of M.Ed. obtained through PRIST in an open category for the post of Teacher in District Shopian, while as

petitioner No. 8 seeks the same relief but in reserved category, being the Resident of Backward Area. The petitioners seek quashment of the selection list dated 3.10.2011 also.

8. Respondents have filed their reply/ objections to all the writ petitions. The stand of the respondents in all the writ petitions is quite similar.

9. Primarily, this court has to see as to whether the degrees obtained and in possession of the petitioners are valid in the eyes of law? When this

question is answered, the next would be, as to how far the respondents are justified in rejecting the candidature of the petitioners on the ground of

their having acquired the higher academic qualification through Universities other than Jammu University/ Kashmir University, Moulana Azad

National Urdu University, for short as MANUU, Department of Electronics and Accreditation Computer Courses, for short as DOEACC, or

Indira Gandhi National Open University, for short as IGNOU?

10. Before the controversy is dwelled upon, it is thought appropriate to recount the events the way it reached to this court.

11. Petitioners' in response to various advertisement notices, issued by the respondents for filling up different posts as reflected in respective writ

petitions, submitted their candidature and sought consideration, as they, in their belief, were not only eligible but possessing quite a fair merit too.

12. In all the writ petitions, the petitioners contend that they have been denied consideration for selection against the advertised posts, either before

or after their interview, for; they have obtained the post graduate degrees from PRIST or from University other than Jammu University/ Kashmir

University, DOEACC, MANNU or IGNOU.

13. The respondents in their reply do not deny the contention of petitioners that their post graduate degree certificates obtained through PRIST or

some other University other than Jammu University, Kashmir University, DOEACC, or IGNOU, have been denied weight-age.

14. It is specifically pleaded by all the respondents except PRIST University that PRIST has not been granted recognition for offering B.Ed, M.Ed

courses and is also not recognized as per the mandate of provisions of University Grants Commission, 1956; hereinafter for short as UGC,

Distance Education Council; for short as DEC, the Jammu and Kashmir Private Colleges (Regulation and Control), Act, 2002; IGNOU Act,

1985, National Council for Teacher Education, for short as NCTE. University of Kashmir has specifically averred that any degree granted by

PRIST have no equivalence with the corresponding degrees of the University.

15. Mr. B. A. Bashir, learned counsel for DEC has made a statement, in terms of order dated 1st May, 2012, to the effect that PRIST is not

recognized by the DEC.

16. The reply filed by Mr. S. A. Naik, learned Additional Advocate General, on behalf of the State, reflects that State of J&K does not recognize

PRIST as a UGC recognized university.

17. Mr. S. A. Makroo, learned Assistant Solicitor General of India, representing Human Resource Development Department of Higher Education,

Govt. of India, also made a statement to the effect that PRIST is not recognized at all and any degree granted by it is not a degree in the eyes of

law. He has also produced some documents viz. communication made by Under Secretary to Govt. of India dated 13th March, 2012 in support

of his contention. The communication for ready reference is reproduced below:

'In continuation of our letter of even no. dated 6.2.2012 and your letter no. 5.3.2012 on the above subject, it is to inform you that clarifications

regarding validity of the courses (M.Ed/ B. Ed) offered by PRIST, Deemed to be University were called from National Council for Teacher

Education (NCTE). The Council has informed that PRIST has not been granted recognition by it for offering B.Ed/ M.Ed Course.

A copy of letter No. FAPSO 2421/B.Ed/KA/2012/39423, dated 22.3.2012 received from NCTE is enclosed for ready reference. You are,

therefore, requested to kindly inform the Hon'ble High Court of J&K at Srinagar accordingly.'

18. Letter addressed by the Regional Director, National Council for Teacher Education dated 22nd March, 2012 to Under Secretary to

Government of India, too is reproduced hereinbelow for ready reference:

'With reference to the above, this is to inform that Ponnaiyah Ramajayam Institute of Science and Technology (PRIST), Thanjavur, Tamilnadu has

not been granted recognition by SRC, NCTE for offering B.Ed/ M.Ed course.'

19. University Grants Commission vide its circular dated 23rd August, 2005 has made it clear that no deemed university is approved to have study

centres.

20. Mr. Mufti Mehraj-ud-din, learned counsel representing PRIST has filed his reply and in Para no. 12 it is averred that University has no study

centre in Kashmir Valley, as such any assertion made by the petitioners in this regard is denied for want of knowledge. It is admitted, however that

PRIST has established collaborative centres in J&K State and the students who are enrolled in the said centres are regular students and certificates

issued to them are valid.

21. Heard counsel for the parties.

22. With the consent of learned counsel for the parties, all the petitions are taken up for final disposal at admission stage itself.

23. At the very outset let us advert to the essence of word 'Education' being the foundation of all the writ petitions. The purpose and essence of

education is a basis for foundation of nation, thus while establishing Universities or Centres outside State, necessary requirements of the

enactments/ Acts/ Rules and Regulations are to be followed. Any institution established or run in de hors of rules virtually amounts to demolishing

the society. The Regulations, Acts, Rules, applicable serve the interests of students, teachers and the public at large. Their role is of paramount

importance; the good education aims at to preserve harmony among affiliated institution.

24. The Apex Court in case titled Adarsh Shiksha Mahavidyalaya and Ors. v. Subhash Rahangdale and Ors. reported as AIR SCW 2012 March,

1573 observed as under:-

'Regulations which will serve the interests of the students, regulations which will serve the interests of the teachers are of paramount importance in

good administration. Regulations in the interest of efficiency of teachers, discipline and fairness in administration are necessary for preserving

harmony among affiliated institutions.

Education should be a great cohesive force in developing integrity of the nation. Education develops the ethos of the nation. Regulations are,

therefore, necessary to see that there are no divisive or disintegrating forces in administration.'

25. Apex court in case titled State of Maharashtra Vs. Vikas Sahebrao Roundale and others, has held that writ petition filed by the students, after

having completed B.Ed course from unrecognized institution, for direction to State Govt. to permit them to appear in examination and to allocate

the passed candidates in a recognized institution to prosecute their further courses, was wrongly allowed being a direction to disobey the law.

26. It is held that before running private institution they must obtain NOC-approval in terms of the provisions applicable. Any institution that runs in

violation of the standards laid down by the laws, rules applicable goes against the interests of nation and will have far reaching consequences.

27. Apex court in case titled State of Orissa and Another Vs. Mamata Mohanty, has discussed the meaning of word 'Education'; the importance of

academic excellence of teachers. It is apt to reproduce Para 29 and 33 herein:-

EDUCATION:

28. Education is the systematic instruction, schooling or training given to the young persons in preparation for the work of life. It also connotes the

whole course of scholastic instruction which a person has received. Education connotes the process of training and developing the knowledge,

skill, mind and character of students by formal schooling. The excellence of instruction provided by an educational institution mainly depends

directly on the excellence of the teaching staff. Therefore, unless they themselves possess a good academic record/minimum qualifications

prescribed as an eligibility, it is beyond imagination of anyone that standard of education can be maintained/enhanced.

18. 'We have to be very strict in maintaining high academic standards and maintaining academic discipline and academic rigour if our country is to

progress.

30. 'Democracy depends for its very life on a high standard of general, vocational and professional education. Dissemination of 'learning with

search for new knowledge with discipline all round must be 1 maintained at all costs.

'33. In view of the above, it is evident that education is necessary to develop the personality of a person as a whole and in totality as it provides the

process of training and acquiring the knowledge, skills, developing mind and character by formal schooling. Therefore, it is necessary to maintain a

high academic standard and academic discipline along with academic rigour for the progress of a nation. Democracy depends for its own survival

on a high standard of vocational and professional education. Paucity of funds cannot be a ground for the State not to provide quality education to

its future citizens. It is for this reason that in order to maintain the standard of education the State Government provides grant-in-aid to private

schools to ensure the smooth running of the institution so that the standard of teaching may not suffer for want of funds.'

28. Apex court in a case titled *Annamalai University rep. by Registrar Vs. Secy. to Govt. Infn. and Tourism Dept. and Others*, while interpreting

UGC Act, 1956, IGNOU Act, 1985 and Rules and Regulations framed thereunder, held that any institution run in breach is no institution at all and

any certificate issued is no certificate in the eyes of law.

29. Apex court in case titled *Pramod Kumar Vs. U.P. Secondary Education Services Commission and Others*, discussed the various provisions of

law and the purpose of making selections, the conditions of fixing educational qualifications, granting of degrees by University and held that any

degree which is issued by any institution in violation of UGC Act, 1956 and the other laws applicable is not a valid degree at all.

30. Supreme Court has laid down principles in case titled *Prof. Yashpal and Another Vs. State of Chhattisgarh and Others*, . The Hon'ble court

while considering the entire gamut discussed the purpose of education, rules of education, recognizing degree, laid certain parameters as to how the

institution is established and when the degree is a valid degree. It is apt to reproduce paragraphs 38 and 39 herein:

38. A degree conferred by a University is a proof of the fact that a person has studied a course of a particular higher level and has successfully

passed the examination certifying his proficiency in the said subject of study to such level. In the case of a Doctorate degree, it certifies that the

holder of the degree has attained a high level of knowledge and study in the concerned subject by doing some original research work. A University

degree confers a kind of a status upon a person like a graduate or a post-graduate. Those who have done research work and have obtained a

Ph.D., D.Lit., or D.Sc. degree become entitled to write the word 'Doctor' before their name and command certain amount of respect in society as

educated and knowledgeable persons. That apart the principal advantage of holding a University degree is in the matter of employment, where a

minimum qualification like a graduate, post-graduate or a professional degree from a recognized institute is prescribed. Even for those who do not want to take up a job and want to remain in private profession like a doctor or lawyer, registration with Medical Council or Bar Council is necessary for which purpose a degree in medicine or law, as the case may be, from an institution recognized by the said bodies is essential. An academic degree is, therefore, of great significance and value for the holder thereof and goes a long way in shaping his future. The interest of society also requires that the holder of an academic degree must possess the requisite proficiency and expertise in the subject which the degree certifies.

39. Mere conferment of degree is not enough. What is necessary is that the degree should be recognized. It is for this purpose that the right to

confer degree has been given u/s 22 of UGC Act only to a University established or incorporated by or under a Central Act, Provincial Act or

State Act or an institution deemed to be a University u/s 3 or an institution specially empowered by an Act of Parliament to confer or grant

degrees. Sub-section (3) of this Section provides that 'degree' means any such degree as may, with the previous approval of the Central

Government, be specified in this behalf by the Commission by notification in the Official Gazette. The value and importance of such degrees which

are recognized by Government was pointed out by a Constitution Bench in *S. Azeez Basha and Another Vs. Union of India (UOI)*, .'

31. To resolve the controversy in hand, some interesting and important aspects need to be looked at. The competence and authorization of the

Universities to undertake in-campus and off-campus courses; the courses that require the services of a full fledged guide at the back; the courses

which have practical's as a pre-requisite etc etc..

32. It may be pointed out here that the affairs of the Colleges are run and managed by the University it is affiliated with. The University as a

governing body empowers the Colleges to undertake particular courses and the College cannot, of its own, offer courses beyond its competence

and authorization. This is true with the University also, as it also is empowered and authorized to undertake courses; impart education and

thereafter issue certificates to the successful candidates. The University also,

cannot, of its own, offer courses beyond permissible limits.

In this background, the stake and credibility of the PRIST, has to be adjudged in the first instance, therefore, the registration accorded to the said

University gains significance. The perusal of the document placed on record by the petitioners' which is contended to be the Registration Certificate

of the PRIST, reveals that the same is not valid for undertaking Education courses. Therefore, those of the candidates who have obtained degrees

in the said streams viz. B.Ed, M. Ed, etc., cannot seek the consideration of certificates, the validity of which is put under cloud by the very

Registration Certificate of the University they have pursued such courses from. Therefore, the credibility of the said certificates vanishes along with

the Institution it had been obtained from without hyperbole.

It does not come to fore as to how the PRIST, has of its own, offered courses and issued certificates, beyond authorized limits. The PRIST cannot

escape responsibility in the given situation.

33. Having said so, it needs to be seen as to how the Institution which is involved in a noble profession of imparting education and producing great

minds for the society, has exceeded and acted beyond permissible limits and in a nasty way. The conduct depicted by the PRIST in undertaking

courses for which it is not affiliated or recognized, is ashaming, and the petitioners who have undertaken courses from an unrecognized institution

have done so blindfoldedly and cannot expect this court to put its seal on the said blindfolded act to legalize the illegal.

34. Before proceeding further on the issue, the purpose and concept of Education be reminiscent:

The dictionary meaning of Education is learning; to gain knowledge. The petitioners', like all those people who pursue and are in search of

particular knowledge, have a propensity to become the torch bearers only if the same is pursued and accomplished in a very fair; transparent and

legal manner; but if the degrees, as in the case in hand, are provided like a street commodity the fate of the future can just be anticipated.

35. This court would not hesitate even to say that if the objection regarding the sanctity of petitioners' degrees would not have been raised by the

respondents', the probability was that they would have made their entry on different posts, again meant for imparting education, and the same

would have resulted in generational waywardness, for, a candle cannot light another unless it continues to burn its own flame.

36. The irony is that an Institution that is granted the status of a University, though for limited purpose, has been unjust, dishonest and unfair in its all

activities and approach. PRIST had to mould its affairs in terms of the mandate of relevant provisions of law. In this regard, reference be had to

Notification dated 4th January, 2008 published in the Gazette of India Part-1 Section-1 issued by the Govt. of India Ministry of Human Resource

Development (Department of Higher Education) which is reproduced herein:

ix. The PRIST, as a deemed-to-be-university shall award degrees in respect of the courses run by the Ponnaiyah Ramajayam College, Thanjavur,

Tamil Nadu only to those students who are admitted to the said college subsequent to the date on which this Notification takes effect for the

purpose of the UGC Act, 1956. Accordingly, the PRIST shall make admission and enrolment of students to the academic courses of the

Ponnaiyah Ramajayam College under it only with effect from the ensuing academic year (i.e. from 2008-2009).

x. As for those students who were already admitted prior to this notification and are pursuing their studies at the Ponnaiyah Ramajayam College

presently, they shall continue to pursue their courses of study under affiliation to the present affiliating university, namely, the 'Bharathidasan

University', Tiruchirapalli, Tamil Nadu, which shall agree to continue to conduct examinations for them and also to award degrees to them upon

successful completion of the courses/ programmes of study they are pursuing at the said institution presently.

xvii. The PRIST or its constituent unit shall not conduct any distance education programmes without prior approval of the UGC and Distance

Education Council (DEC). The guidelines issued by both the DEC and UGC in the matter of imparting education through distance mode from time

to time have to be strictly complied with by the Institute.

xviii. The PRIST shall not run any study centre/ off-campus centre without obtaining the requisite prior approval of the UGC/ Government of India,

as the case may be.'

37. The conditions reproduced above are amongst many others stipulated in the notification itself. The perusal of the notification makes explicit

mention of the bindings those were put on the PRIST, and it also demonstrates that the students enrolled before the issuance of said notification

have to obtain their degrees not from PRIST but from 'Bharathidasan University', Tiruchirapalli, Tamil Nadu, therefore, the certificates placed on

record are not in accordance with the guidelines as were provided in the said notification.

38. In the 2nd para of its reply, the PRIST University very specifically avers that it has established collaborative centres outside the State in terms

of the UGC Act. The laws applicable read with the mandate of Act provides that no recognized institution can establish centres for imparting

education outside state in view of mandate of Section 22 of UGC Act. PRIST, though mentions in its reply that it has established collaborative

centres outside State in terms of the UGC Act, has failed to place on record any order by virtue of which it has been allowed/ permitted to run

study centres outside state. It is apt to reproduce Section 22 of the UGC Act herein:

22. Right to confer degrees.-

(1) The right of conferring or granting degree shall be exercised only by a University established or incorporated by or under a Central Act, a

Provisional Act or a State Act or an institution deemed to be a University u/s 3 or an institution specially empowered by an Act of Parliament to

confer or grant degrees.

(2) Save as provided in sub-section (1), no person or authority shall confer, or grant, or hold himself or itself out as entitled to confer or grant, any degree.

(3) For the purposes of this section, 'degree' means any such degree as may, with the previous approval of the Central Government, be specified in this behalf by the Commission by notification in the Official Gazette.'

39. Mr. Mufti Mehraj-ud-din, learned counsel appearing for the PRIST while addressing arguments produced some documents which appear to

have been communicated to him by the Chancellor of the PRIST. It is apt to reproduce the same herein:-

1. As per UGC regulation 2000, we have established collaborative centres as partner institute (as in the case of IGNOU).

2. As per UGC regulation 2010, we can establish collaborative centres only with

the prior approval of UGC. But regulation 2010 has been challenged in Madras High Court and it is still pending with high court bench.

3. As our collaborative centres are concerned, kept in suspension till we get clearance from Supreme Court in the case of 44 Universities. We have already stopped admissions in our collaborative centres those who have already completed their courses are issued with their mark sheets and other certificates. This is for your kind information.

40. It is admitted by the Chancellor that PRIST has established collaborative centres outside the premises without approval of UGC, but has stated that it has questioned the UGC regulation 2010, which is still pending, and thereafter in para 3 it is stated that they have kept all those collaborative centres in suspension till clearance from Supreme Court, meaning thereby that collaborative centres were established without permission and now have been kept in suspension.

41. How, in the depicted background, the writ petitioners were regular students of the PRIST; how have certificates been issued in their favour is not forthcoming. While taking into consideration the communication made by PRIST through its Chancellor it becomes obvious that it has established collaborative centres in breach of UGC Act and University Rules, 2010. Since it failed to obtain any relief from any court of law, therefore has now placed the centres in suspension. Only on this count, these writ petitions merit to be dismissed, and the certificates awarded are to be declared invalid.

42. Mr. Makroo has placed on file a document which discloses that the PRIST is not recognized in terms of the mandate of UGC Act.

43. Mr. J. A. Kawoosa, has specifically stated that the Govt. of J&K has not recognized the PRIST.

44. The judgment cited by the Mufti Mehraj-ud-din of Madras High Court is not applicable to the instant case for the simple reason that it is recorded in the said judgment that, Madras Govt. has granted equivalence to the degrees in question. But still an appeal has been preferred by the State of Madras against that judgment which is reserved for judgment. But the stand of the J&K Govt. is that PRIST is not recognized for any purpose, thus the judgment cited is inapplicable.

45. This court in case titled Bilal Ahmad Najar versus State of J&K & Ors. bearing SWP No. 187/06 decided on 27th February, 2009, has held

that degrees issued by various universities in violation of UGC Act and the other laws applicable are not valid degrees in so far as employment of

the State is concerned and the persons holding such degrees cannot claim any weightage on the basis of such degrees. It is apt to reproduce last 3

paras herein:

'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.

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.

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.

In these circumstances this petition is dismissed.

46. This judgment has not been questioned, therefore holds good even today and is binding.

47. Mr. Moulvi Ajaz while addressing arguments argued that in terms of a communication, the Government has made a policy vide circular dated

10th July, 2009, that those institutions which are unauthorized and unrecognized were directed to complete the course and he stressed that same is

applicable to sessions 2008-09.

48. The argument though appears to be attractive but does not carry enough weight to come to petitioners' rescue, as the reference made and

reliance placed to, is a communication which appears to have been made by Deputy Secretary to Govt. Higher Education Department to all the

unauthorized institutions of J&K State dated 10th July, 2009. The para 3 of the said communication on which he laid emphasis relates to the

period when the Jammu and Kashmir Private College Rules (Rule 2005) came into force and those rules came into force in terms of SRO 339 of

20th December, 2005, and those of the institutions which were at that time being run unauthorizedly were asked to let students complete their

courses which pertain to session 2005 and not to 2009.

49. It is worthwhile to mention herein that there are number of certificates on file which do disclose that some of the petitioners have obtained

degrees as regular students though they were, as per the stand taken by the respondents, working in Govt. establishments and in some other

private institutions, and have drawn salary also for the said period. How have they appeared and completed courses as regular students and

simultaneously drawn pay for the same period from the Govt. establishment is still a mystery and calls for an explanation. In this regard reference

may be had to the instances placed on record as annexure R1 with SWP No. 2275/2011 and SWP No. 1481/2011.

50. This aspect of the matter also reflects bad about the affairs of the PRIST and it raises a serious finger of suspicion against its conduct as also of

the petitioners.

51. The court being the custodian of the public interests is duty bound to come forward in matters of such grave nature and play its role. It

becomes inevitable more importantly for the reason that the people who, for one reason or the other, are party to the wrong and illegal conduct

etc., have approached the court and are seeking direction in the name of respondents to have regard and give due weightage to their degrees

obtained through PRIST. Virtually the petitioners seek advantage of an illegal and wrong act.

In the depicted background the Chief Secretary of the State is directed to examine the entire case; see how and where these unauthorized centres

are being run. He is further directed to leave no stone unturned to unearth the conspiracy and fix the responsibility accordingly. He can even go for

registration of a criminal case, if required and monitor its investigation. Given the fact that it relates to future of our nation, the Chief Secretary may

bear in mind the sensitivity of the matter, while taking up the task in his hands.

52. For what is stated hereinbefore all the writ petitions are held to be without any merit, therefore, dismissed. Interim directions in all writ

petition shall stand vacated.

53. Registry to send copies of this judgment to learned Advocate General and the Chief Secretary of the State.

54. Disposed of. Copy of this judgment be placed on each file.