
(1995) 08 CAL CK 0032
In the Calcutta High Court
Case No : C.O. No. 13041 (W) of 1995

Muchha Mondal

APPELLANT

Vs

State of West Bengal and others

RESPONDENT

Date of Decision : 11-08-1995

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : AIR 1996 Cal 132 : 100 CWN 472 : (1997) 75 FLR 620

Hon'ble Judges : Gitesh Ranjan Bhattacharjee, J

Bench : Single Bench

Advocate : P.C. Ghosh, for the Appellant; Jagabandhu Roy, for the Respondent

Judgement

1. It is inter alia submitted by the learned Advocate for the petitioner that the petitioner obtained M.A. Degree through Correspondence Course from the Himachal Pradesh University and the University also issued necessary certificate in this respect in favour of the petitioner but the D.1. is not accepting the said Degree for approving the panel of English Teacher where the petitioner stood first. It is not understood why the M.A. Degree which has been awarded by a recognised University, even if through Correspondence Course, should not be recognised as M.A. Degree. It is further submitted on behalf of the petitioner that while in the Calcutta University the total marks for M.A. Examination in two parts is 800, in the Himachal Pradesh Correspondence Course Examination the total marks is not less than that. This is however immaterial. In a letter dated 28/29-9-93, written by the Deputy Registrar (Acad.), Himachal Pradesh University, Simla which is annexure at page 33 of the writ application it has been stated that the Himachal Pradesh University has been established under the provisions of University Grants Commission regarding establishment of University, by an Act. The Himachal Pradesh University Act, 1970 (Act No. 17 of 1970) which is a statutory University and the Directorate of Correspondence Courses of H. P. University, Simla-5 is a part and parcel of it, and in view of this, all the examinations conducted by the said University including for the courses

through Directorate of Correspondence courses are recognised.

2. In another letter of the Deputy Registrar (Acad), H.P. University dated 19/20-11-93 at page 35 of the writ application it has been stated that M.A./M.Sc. (Maths) Degree awarded by the H. P. University in respect of the students who are enrolled as students of that University in the Directorate of Correspondence Courses of that University is equivalent to the degree of M.A./M.Sc. (Maths) in case of regular students, as the syllabus as well as course in both the cases is similar and that the candidates who are awarded degrees by that University in both the cases are eligible to get admission in higher studies and/ or other benefits because duration of the study and evaluation etc. of the students are same as are available to the regular students of the said University.

3. The University Grants Commission has also stated in their letter No. F-7-6/93 (OPP-I) dt. 6-9-94 that the Himachal Pradesh University is included in the list of Universities maintained by the UGC under Drv. 2(f) of the UGC Act and is recognised by the UGC, vide page 31 of the writ petition.

4. The learned Advocate for the petitioner also attracts my attention to a few instances, Annexure-G, "H" and "I" at pages 28 to 40 to show that in respect of candidates Shri S. K. Paramanik who obtained M. A. Degree from the H. P. University through Correspondence Courses, approval for appointment was given by accepting his H. P. University M.A. Degree through Correspondence Course by the D.I. of Schools, Nadia and one R. S. Dubey was granted higher scale of pay for higher qualification obtained from the said University through Correspondence Courses by the D.I. of Schools, Birbhum. The equivalence of degrees awarded through regular course and Correspondence Course will be also evident from the fact that the H. P. University issues marks-sheets and certificates in general forms without differentiation, as it appears from the annexures at pages 19 and 21 to the writ petition.

5. In view of the facts and circumstances, there is absolutely no reason not to treat the M.A. Degree of the H. P. University awarded through Correspondence Courses as recognised M.A. Degree for all purposes, and I hold that the Correspondence Course M.A. Degree of the Himachal Pradesh University is as valid and patent a degree as an M.A. Degree of any other recognised University in India.

6. Accordingly the writ application is disposed of with the direction upon the respondent No. 3, the District Inspector of Schools (SE), South 24 Parganas to give due credit to the petitioner for his M.A. Degree awarded by the H. P. University and convey his approval to the concerned panel in accordance with law if the same is otherwise found to be in order. The D.I. of Schools (S.E.), South 24 Parganas shall communicate his decision to the school authorities as well as to the petitioner within four weeks from the date of communication of this order.

7. Till two weeks after the communication of his decision by the D.I. in the

matter no effect shall be given to the said decision.

8. The writ application is thus disposed of without any order as to costs.

9. The learned Advocates are permitted to take the gist of the order for the purpose of communication and the respondents will act on the basis of such communication.;

10. The notice be kept with the record.

11. Order accordingly.