

(2022) 06 KL CK 0317

In the High Court Of Kerala

Case No : Writ Petition (C) No. 32215 Of 2018

N.L.Jose

APPELLANT

Vs

Commissioner For Entrance Examinations

RESPONDENT

Date of Decision : 27-06-2022

Acts Referred:

Citation : (2022) 06 KL CK 0317

Hon'ble Judges : Devan Ramachandran, J

Bench : Single Bench

Advocate : Sheejo Chacko, Laya Simon, P.C.Sasidharan

Final Decision : Dismissed

Judgement

Devan Ramachandran, J

1. The facts pleaded by the petitioner in this case would show that even though he completed Bachelor of Law (LLB Course), its Provisional Degree Certificate has been denied by the Calicut University, citing the reason that his basic qualification, namely Bachelor of Arts, is not recognized by them, since it was obtained from the Osmania University.

2. Smt.Sheejo Chacko, learned counsel for the petitioner, pointed out that the certificate of Bachelor of Arts of his client has been produced as Ext.P2, which is dated 30.10.1985; and that on the strength of the same, he obtained admission to the Programme of Master of Arts of the Calicut University, which was completed and finally granted to him, through Ext.P3, on 29.08.1989.

3. The learned counsel submitted that it is, thereafter, that his client got admitted to the Law College and completed it; and therefore, that the objection now cited, namely that Ext.P2 Certificate of Bachelor of Arts was not recognized, is untenable and totally unreasonable. She, therefore, prayed that the University be directed to afford his client a Provisional Degree Certificate of the L.L.B. Course immediately, so that he can apply for being enrolled with the Bar Council

of Kerala, the last date for which is 28.06.2022.

4. Sri.P.C.Sasidharan - learned Standing Counsel for the University of Calicut, opposed the afore plea of the petitioner saying that, as long as the petitioner has refused to produce any document to demonstrate Equivalency or recognition of Ext.P2 Degree Certificate obtained by him from the Osmania University, his request for issuance of a Provisional Degree Certificate with respect to his L.L.B. cannot be countenanced. He submitted that it is a statutory precondition and imperative that the petitioner produces Equivalency Certificate for the Degree obtained from the University outside Kerala for being allowed to be admitted to the L.L.B. Course; and that in the absence of the same, such a plea becomes totally untenable. He thus prayed that this writ petition be dismissed.

5. Normally, this Court would have agreed with the afore submissions of Sri.P.C.Sasidharan, because a Degree obtained by the petitioner from a University outside Kerala can be recognized only if there is an Equivalency or Recognition Certificate to support it. However, there is an intervening development in this case namely, that on the strength of the Bachelor of Arts Degree obtained by him and reflected through Ext.P2, the petitioner was admitted to the Master of Arts Programme by the Calicut University themselves, leading to the issuance of Ext.P3 Degree, dated 29.08.1989.

6. It can, therefore, only be presumed that the University of Calicut accepted that Ext.P2 was either recognized or that the petitioner had produced an Equivalency Certificate; otherwise, he would not have been admitted to the Mater of Arts Programme or granted Ext.P3 Certificate in any manner as has been done.

7. When the University has absolutely no answer to this and concede that Ext.P3 Master of Arts Degree Certificate is still in force, without being cancelled for the reason that Ext.P2 Certificate from the Osmania University has not been recognized, I fail to understand how they take the stand that the Provisional L.L.B. Degree Certificate cannot be issued to the petitioner.

8. To paraphrase, when Ext.P3 Master of Arts Degree Certificate has been issued by them themselves, it cannot be but assume, that this was done by the Calicut University either recognizing Ext.P2 or after obtaining necessary Equivalency Certificate at that time. Therefore, the fact that the petitioner has not produced any document in affirmation of the equivalency or recognition in Ext.P2 at this time would be of no relevance whatsoever, in my view.

Resultantly and taking note of the fact that Ext.P3 Master of Arts Degree granted by the University of Calicut is still in force, I allow this writ petition; with a consequential direction to its competent Authority to issue to the petitioner the Provisional Degree Certificate with respect to his L.L.B. Course tomorrow (28.06.2022) itself, after satisfying compliance of all other requirements.

For the afore purpose, I direct the petitioner to appear before the 2nd

respondent – Registrar of Calicut University at 11.00 a.m. on 28.06.2022 and the Provisional Degree Certificate will be issued to him not later than 01.00 p.m. on that date, so that he can then produce it before the Bar Council by the close of the working hours and apply for enrollment.

Needless to say, the Degree Certificate with respect to the petitioner's qualification will, thereafter, be issued in due course without any avoidable delay.