
(2002) 02 KL CK 0027
In the High Court Of Kerala
Case No : O.P. No. 37296 of 2001

Pradeep

APPELLANT

Vs

University of Kerala

RESPONDENT

Date of Decision : 27-02-2002

Acts Referred:

Citation : (2002) 02 KL CK 0027

Hon'ble Judges : K.A. Abdul Gafoor, J

Bench : Single Bench

Advocate : M.K. Chandramohandas, Siby Mathew, for the Appellant; A.A. Mohammed Nazir, Philip J. Vettickattu and George Johnson, for the Respondent

Final Decision : Dismissed

Judgement

K.A. Abdul Gafoor, J.—Admittedly, the petitioner obtained a Higher Secondary Certificate on private study from a Secondary Education Board of Tamil Nadu as is evidenced by Ext. P1. On the strength of it, the petitioner obtained admission to B.V.M.C. course conducted in the College of the second respondent affiliated to the 1st respondent Kerala University. The petitioner is continuing the studies. Admittedly by the petitioner, as per the prospectus for the course, an incumbent who had obtained a qualification which makes one eligible for admission to B.V.M.C. Course, from any University other than Kerala University has to obtain an eligibility certificate from the Kerala University. The petitioner applied for. This is not granted. That is why the petitioner has approached this Court with this Original Petition.

2. Kerala University will grant eligibility certificate only to the students who have undergone courses in any other University or State only if the course in question had been recognised by the Kerala University. It is submitted by the counsel for the Kerala University that the petitioner had undergone study for Higher Secondary course as a private student. Any certificate obtained after 1991 out of such private study from Tamil Nadu is not recognised by the Kerala University. Only a certificate obtained through academic stream study alone had been

recognised as equivalent to Pre-degree for admission to degree course/ professional course. This is evident from Ext. P4 itself. Therefore, the petitioner cannot be granted eligibility certificate.

3. The petitioner now attempts to challenge Ext. P4 to the extent it denies equivalence for the candidates like the petitioner who had obtained Higher Secondary Certificate from Tamil Nadu on private study after 1991.

4. The petitioner urges two grounds: (1) Certificates obtained prior to 1991 and after 1991 did not have any difference. Persons cannot be differentiated based on the time when they acquired the same qualification. (2) There is no reason not to recognise only the certificate obtained put of private study, when the certificate obtained through academic stream is recognised in respect of the very same course.

5. I am unable to accept this contention of discrimination. It is a matter for the University to decide, when they are thinking of recognition of equivalence. A candidate can be admitted to a degree course conducted by the Kerala University only if the candidate satisfies eligibility criterion of the basic qualification to be admitted to that degree. That qualification shall be one obtained from the Kerala University itself or one obtained from any other University or Board provided the Kerala University recognises it. Recognition of a course by a University is taken up on examining different aspects by the Academic Council of the University, It is considering various aspects the Academic Council passes orders recognising a particular qualification as equivalent to a qualification awarded by the University. The Academic Council as is revealed by Ext. P4 considered the matter decided that the private study qualification need be recognised only (SIC) upto March, 1991. Obviously because the decision of the Academic Council was in the year 1992 as is revealed in Ext. P5 produced in C.M.P. No. 10080/01. Therefore, there is nexus with the cut off date. When recognition order is passed in 1992 the University has taken into consideration the candidates who acquired such qualification through private study until that date. It has been declared by the University as early as 1992 that the private study candidates will not be recognised as having a qualification equivalent to Pre-degree. Necessarily the petitioner, who acquired the qualification later than that and only in 2001 cannot contend that his qualification can be recognised. There is nothing illegal in Ext. P4. It is totally an academic matter and court cannot step in to review the decision of an academic body regarding equivalence of qualification. When the petitioner thus does not possess a qualification equivalent to Pre-degree awarded by the Kerala University, he cannot get eligibility certificate also. Original Petition fails, dismissed.