

(2011) 03 DEL CK 0018
In the Delhi High Court
Case No : Writ Petition (C) 6923 of 2009

Stuti Saxena

APPELLANT

Vs

University Grant Commission and Others

RESPONDENT

Date of Decision : 15-03-2011

Acts Referred:

Citation : (2011) 03 DEL CK 0018

Hon'ble Judges : Rajiv Sahai Endlaw, J

Bench : Single Bench

Advocate : L. Roshmani and Somiran Sharma, for the Appellant; Amitesh Kumar, for UGC and AICTE, for the Respondent

Final Decision : Dismissed

Judgement

Rajiv Sahai Endlaw, J.

CM No. 19881/2010 (for restoration of the writ petition dismissed in default on 19th October, 2010)

1. The counsel for UGC and AICTE appears on advance notice.
2. A perusal of the earlier order sheet shows that though the other Respondents were served with the notice of the writ petition but had chosen not to appear. In the circumstances, need is not felt to issue notice of this application to them. The counsel for the Respondents No. 1 and 2-UGC and Respondent No. 4-AICTE has been heard.
3. For the reasons stated in the application, the same is allowed.
4. The writ petition is restored to its original position.

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5. The counsel for the Petitioner and the counsel appearing for UGC and AICTE have been heard.

6. The Petitioner claims to have done her graduation from Miranda House College of the University of Delhi; the Petitioner claims to have thereafter done the Post Graduate Diploma in Business Management (PGDBM) course from the Respondent No. 5-Jaipuria Institute of Management, Lucknow, Uttar Pradesh; the Petitioner thereafter appeared in the National Eligibility Test (NET) conducted by the UGC held on 17th December, 2006; only Post Graduates or holders of Diplomas equivalent to Post Graduation are eligible to appear in the said test; the Petitioner appeared in the said test on the premise that the PGDBM Diploma of the Respondent No. 5-Jaipuria Institute of Management was equivalent to Post Graduation; UGC, however, referred the said question to the Respondent No. 3- Association of Indian Universities who did not find the PGDBM Diploma obtained by the Petitioner from the Respondent No. 5- Jaipuria Institute of Management to be equivalent to Post Graduation. Accordingly, the Petitioner was disqualified from the NET otherwise cleared by her. Aggrieved therefrom, the present petition has been filed for issuing mandamus to UGC and Association of Indian Universities to recognize the PGDBM Diploma of Respondent No. 5- Jaipuria Institute of Management as equivalent to Post Graduation and for the relief of declaration of the Petitioner as qualified in NET.

7. Notice of the petition was issued. The Respondent No. 5- Jaipuria Institute of Management has failed to appear in spite of service. Counter affidavits have been filed by UGC and AICTE and to which rejoinder has been filed by the Petitioner. The Petitioner claims to have been told by the Respondent No. 5- Jaipuria Institute of Management that its PGDBM course had been recognized as equivalent to MBA by the AICTE. The sole argument of the Petitioner is that once the PGDBM course of the Jaipuria Institute of Management is recognized by AICTE as equivalent to MBA, the same has to be necessarily treated as equivalent to Post Graduation and hence the decision of the Association of Indian Universities of not recognizing it as equivalent to Post Graduation is erroneous. The Petitioner has, however, not filed any document whatsoever to show that the PGDBM course of Jaipuria Institute of Management is recognized by AICTE as equivalent to MBA. AICTE in its counter affidavit has denied that the said course is recognized by it as equivalent to MBA. The Petitioner along with its rejoinder has filed a copy of the letter dated 30th May, 2007 of AICTE in response to the request of the Jaipuria Institute of Management informing the said Institute that PGDBM programme offered by the said Institute was equivalent to MBA, provided the course is approved by AICTE during the period for which equivalence was sought.

8. The counsel for AICTE has contended that the letter aforesaid cannot come to the rescue of the Petitioner inasmuch as the Petitioner claims to have completed the PGDBM course in the year 2006, i.e. prior to the date of the said letter. It is thus contended that the Petitioner cannot avail any benefit of the said letter.

9. The aforesaid letter on which reliance is placed by the Petitioner is subject to the approval of AICTE for the concerned year having been sought. There is

nothing to show that there existed any approval of AICTE for the course done by the Petitioner.

10. The counsel for the UGC and AICTE has otherwise contended that the Association of Indian Universities though a Society but being controlled by the Government is fully equipped to go into the question of equivalence; that without the Respondent No. 5- Jaipuria Institute of Management evidencing any interest even to have its PGDBM course recognized as equivalent to Post-Graduation or MBA, no enquiry in that regard can be conducted. It is further informed that the said enquiry entails detailed investigation into the course content and for which the assistance of the Institute is necessary.

11. In the present case, the Jaipuria Institute of Management has chosen not to appear before this Court also.

12. The Petitioner cannot be permitted to fight a proxy battle for Jaipuria Institute of Management. In a petition filed by the Petitioner, this Court cannot direct the UGC or Association of Indian Universities to, without participation of the Respondent No. 5-Jaipuria Institute of Management enquire into equivalence of the said course of the Respondent No. 5-Jaipuria Institute of Management.

13. There is thus no merit in the petition. The same is dismissed. If the Petitioner has been misled by the Respondent No. 5-Jaipuria Institute of Management, the remedy of the Petitioner is to claim damages there from and not by way of this petition.

No orders as to costs.