

(2018) 11 CAL CK 0057
In the Calcutta High Court
Case No : Writ Petition No. 26341 (W) Of 2017

Subhadip Manna	Vs	APPELLANT
University Of Calcutta & Ors.		RESPONDENT

Date of Decision : 28-11-2018

Acts Referred:

Citation : (2018) 11 CAL CK 0057

Hon'ble Judges : Arindam Sinha, J

Bench : Single Bench

Advocate : Tanmoy Mukherjee, Susmita Chatterjee, Prithwish Kr. Basu, Anil Kumar Gupta, Madhusudan Saha Roy

Final Decision : Disposed Off

Judgement

Petitioner is a student in Calcutta University. He has challenged memo dated 9th/10th October, 2017 issued by Registrar, text of which is as under :-

â??This is in reference to his letter dated 13.09.17. Subhadip Manna is hereby informed that the qualification Uttar Madhyama (+2) cannot be

considered for undertaking B.A.LL.B programme under this university in view of reasons concerning UGC & DEB (based on study & Examination

centre in West Bengal, Hooghly) territorial jurisdiction of the said institute (UGC L. No.F. 27-1/2012 (CPP-II). Dated: 27.06.2013, from (a-f).

Until & unless UGC's guidelines are modified otherwise, the University regrets it's inability to issue the sanction of equivalence in favour of

the applicant. In case of a confusion, candidate can go to to the UGC/DEB website to compare the cited decision.â??

Mr. Mukherjee, learned advocate appears on behalf of petitioner an submits, degrees Purba Madhyama and Uttar Madhyama are considered

equivalent respectively to Madhyamik Pariksha (Secondary Examination) and Higher Secondary Pariksha (Senior Secondary Examination) of

respectively West Bengal Board of Secondary Education and West Bengal Board of Higher Secondary Education. He relies on letters both dated

22nd June, 2007 from Deputy Secretary (Academic), West Bengal Board of Secondary Education to Secretary of the Institution in Hooghly from

which his client had obtained degrees, Purba Madhyama and Uttar Madhyama. He submits, University Grants Commission (UGC) cannot regulate

validity of degrees passed at Secondary and Higher Secondary stages before University level. He relies on judgment dated 5th July, 2017 passed by a

learned single Judge of this Court in, inter alia, WP 716 of 2011 [Bipandtaran Ruidas vs. University of Calcutta & Ors.]. He relies on following text in

judgment extracted below :-

“This Court is accordingly of the view that there is no impediment upon the University from recognizing the degree course pursued and completed

by each of the petitioners under its constituent Sanskrit College. This Court is also of the view that the University must confine itself to the validity of

the B. A course completed by each of the petitioners without being jurisdictionally stretched to occupy itself with the Intermediate Uttar Madhyama

Certificate. Similarly, this Court fails to be persuaded, in the facts of the present case, on the scope of the claimed exercise of jurisdiction by UGC qua

the Uttar Madhyama certificate of the petitioners and, strikes down the exercise of such jurisdiction as voidable.”

Dr. Saha Roy, learned advocate appears on behalf of the University. Relying on disclosure at page 11 of affidavit-in-opposition filed by his client, he

submits, in all 31 Boards stand listed as equivalent to West Bengal Board of Secondary Education in official website of West Bengal Council of

Higher Secondary Education. Name of the Board which issued petitioner’s Purba and Uttar Madhyama certificates is not listed. On behalf of

UGC reliance is placed on affidavit-in-opposition filed on its behalf. Mr. Mukherjee in reply submits, disclosures in writ petition being said letters dated

22nd June, 2009 issued by West Bengal Board of Secondary Education contains information that degrees obtained by his client are equivalent to

Madhyamik and Higher Secondary Parikshas. Hence, when his client has obtained pass certificates in Purba and Uttar Madhyama examinations, his

those certificates must be treated as equivalent to Madhyamik and Uchcha Madhyamik certificates. He submits further, impugned memo is regarding

derecognition by UGC and not by reason of equivalence or lack of it regarding 10 and 10+2 stage examinations.

There is no specific denial in affidavit-in-opposition of Calcutta University regarding genuineness of letters both dated 22nd June, 2007 whereby West

Bengal Board of Secondary Education has informed equivalence of Purba and Uttar Madhyama (Higher Secondary) as considered equivalent to

Madhyamik and Higher Secondary Pariksha conducted in West Bengal. In affidavit-in-opposition of UGC, inter alia, following has been said :-

“The University Grants Commission specifies degrees as defined under section 22 of the UGC Act, 1956. Such degrees can be awarded only by a

University established or incorporated by or under a Central Act, a provincial Act or a State Act or by an Institution Deemed to be University

established under section 3 of the UGC Act, 1956.”

This is in line with view taken in Bipandaran Ruidas (supra).

Considering cases of resistance made out, respectively by the University and UGC, to petitioner’s claim for relief, this Court is of view such

resistance is without merit. Writ petition, therefore, succeeds. Memo dated 9th/10th October, 2017 impugned herein is set aside. The University will

allow petitioner to continue on his way with course study in duly registering him, allow him to take semester examinations, get result and ultimately

achieve award of degree on exhibiting his entitlement thereto on academic merits.

Writ petition is disposed of.