

**(1989) 04 KAR CK 0009**

**In the Karnataka High Court**

**Case No : Writ Petition No. 2920 of 1989**

Vijayvikram College of Engineering, Bangalore

APPELLANT

Vs

Deputy Educational Adviser, Ministry of Human Resources  
Development, New Delhi and others

RESPONDENT

**Date of Decision : 10-04-1989**

**Acts Referred:**

Constitution of India, 1950 — Article 226

University Grants Commission Act, 1956 — Section 22, 23, 24, 3

**Citation : AIR 1990 Kar 29 : (1989) 3 KarLJ 338**

**Hon'ble Judges : N. Venkatachala, J**

**Bench : Single Bench**

**Advocate : K.N. Subba Reddy, for the Appellant; Addl. Central Govt. Standing Counsel and H.T. Narayan, for the Respondent**

## Judgement

1. The petitioner is "Vijay-vikram College of Engineering" which is said to have been established at Bangalore in the year 1986-87 by the Karnataka Technical and Management Education Society (Regd.), Bangalore. It claims to have obtained affiliation from "Maithili University", Dharbanga, Bihar State, to admit and teach the students for graduate course in Engineering. It also claims that it has admitted certain students coming from different parts of the country for Us degree course in Engineering and taught them for one academic year. According to it, the Maithili University, from which it has obtained affiliation, is a recognised University, in that, the Directory of Institutions for Higher Education of the year 1979-80 (Annexure A) published by the Ministry of Education and Culture, Government of India, has listed the Maithili Vishwavidyapeetha (Maithili University) as a University in Bihar State. The case set out in the petition is that the letter dated 11-4-1985 (Annexure D) sent by the Union Public Service Commission to one Sri William P. Martin, Reader and Head of the Department of Economics, St. Philomena College, Puttur, South Kanara, since mentioned that Maithili University, Dharbanga, Bihar, is one of There recognized Universities and, the degrees awarded by it were acceptable, the petitioner-College, which is an

Engineering College, has been established and has got itself affiliated to Maithili University. The petitioner-College has also consequently admitted students to its Engineering Degree Course. But, a letter dated 14-10-1988 (Annexure B) addressed by the Ministry of Human Resources Development to the Principal of the petitioner-College in response to a letter addressed to it (Ministry of Human Resources Development) informing him that Maithili Vidyapeetha (Maithili University) is not recognised and the letter dated 11-4-1985 was subsequently withdrawn by the Union Public Service Commission, has given a death-blow to the petitioner-College. Since that letter has been issued by the Central Government without applying their mind and without any basis, it is said, this Court's writ jurisdiction under Art. 226 of the Constitution is invoked to quash that letter and give a direction to the Central Government and the Union Public Service Commission to continue to recognise the Maithili University or in the alternative, to direct respondents 1 and 2 themselves to hold the B. E. Examination for the year first year students of the petitioner-College through any other recognised University.

2. The question which arises for consideration, is whether the relief's sought by the petitioner-College could be granted by entertaining this petition in exercise of this Court's discretionary jurisdiction under Article 226 of the Constitution.

3. What is the status of the Maithili University (Maithili Vishwavidyapeetha), which is arrayed as respondent 3 in the petition and from which the petitioner-College is said to have obtained affiliation, calls to be noticed before dealing with the case set out by the petitioner in its petition, having regard to certain undisputed documents produced on behalf of the Ministry of Human Resources Development, Department . of Education, New Delhi, and the Union Public Service Commission, arrayed as respondents 1 and 2 in the petition, by the learned Additional Central Government Standing Counsel.

4. Letter dated 4th September, 1985 is addressed by the Deputy Secretary to the Government of India to the Registrar, Maithili University (so called), respondent 3 here. That letter, after inviting the attention of the Registrar to Sections 22, 23 and 24 of the University Grants Commission Act ("the UGC Act") states thus:

"In view of the above provisions, you are advised to delete the word "University" from its existing name and also to stop, awarding degrees if any forthwith within a week of the date of receipt of this letter. It may be mentioned that only Universities established by an Act of the Central/State Legislature or institutions which are declared as deemed to be universities under S. 3 or the UGC Act are empowered to award degrees and the so called Maithili University is not covered under the above categories."

The Secretary, University Grants Commission, has issued a Press Note of November 21, 1986, stating that the Maithili University, Dharbanga, is not a statutory institution and the UGC holds its degrees as "illegal". The content of that Press Note reads :

"It has come to the notice of the University Grants Commission that a self-styled University names "Maithili University (Vishwavidyapeetha) Darbhanga, is giving advertisements in the newspapers for the award of degrees/ Diplomas for various courses such as B.A., B.Ed., and M.A. and that such of its degrees are recognised by the Universities and other organisations.

All concerned are informed through this press note that the so called "Maithili University" is neither a University established by a Central or State Act nor a deemed to be University u/s 3 of the U.G.C. Act 1956 and as such it is not empowered to award degrees in terms of the provisions contained u/s 22 of the said Act.

Persons who intend to take admissions in the so called "Maithili University" for obtaining degrees are, therefore, advised against doing so.

There is, however, another University named, L. N. Maithili University, Darbhanga which was set up by an Act of Bihar Legislature and is different from the so called "Maithili University."

Thus, I cannot help coming to the conclusion that the Maithili University, Darbhanga, is not a University established either under a Central or a State Act and that it is a self-styled University with no legal status as such and has no power to grant affiliation to any College or confer any legal degrees on students of such College,

5. Next, the status of the petitioner-College has to be found out with reference to the University to which it is said to have been affiliated for finding whether the reliefs claimed by it should be granted. I propose to determine the status of the petitioner-College again on the basis of the admitted documents produced by the learned Additional Central Government Standing Counsel.

6. A telegram dated 7-10-1988 sent by the Assistant Education Officer, Government of India, Ministry of Human Resources Development, Department of Education, Southern Regional Office, Madras, to the Deputy Educational Adviser (T), Ministry of Human Resources Development, Department of Education, Shastri Bhavan, New Delhi, refers to the status of the petitioner-College, thus:

"Vijay Vikram College of Engineering is not recognised and not approved by the Regional Committee and AICTE."

Material portion of the report sent on 2-1-1989 to the Assistant Educational Officer (T), Government of India, Human Resources Development, Southern Regional Office, Madras, respecting the petitioner-College by the Joint Director of Technical Education in Karnataka, Bangalore, on his inspection of that College on 30-9-1988, reads thus:

"1. There is a College by the name Vijaya-vikram College of Engineering not recognised by Bangalore University.

2. The Principal claims that there is a Maithili University at Saukat Mochan Dham, Darbhanga in Bihar State which has to be verified through intelligence Agencies of the State/Central Government.

3. The Principal claims that the Maithili University has given them permission and it is the only Engineering College affiliated to that University.

4. The facilities are highly inadequate. The total area is of about 1/2 acre with few small sheds. Equipment is insufficient. No permanent good staff members have been recruited as per the acquittance submitted by the Principal.

About 33 students have enrolled mostly from Northern States. It seems to be racket- ....."

A perusal of the above telegram and the report makes it obvious that the petitioner-College has no legal status as a College and the courses in Engineering, if any, offered by it to students would not enable them to obtain any Engineering degrees from any University lawfully established.

7. When Maithili Vidyapeetha -- the self- style Maithili University, had never acquired the legal status of a University, it is difficult to understand how the petitioner-College can have any grievance as regards a letter dated 14-10-1985 (Annexure-B) addressed to it by the Ministry of Human Resources Development giving the information that the Maithili University is not a recognised University and the letter of the Union Public Service Commission addressed to one Sri William P. Martin as to the recognition of degrees of Maithili University under a mistake had been withdrawn and get a right to ask for its quashing let alone the benefit it was likely to derive from such quashing, if any made. It is equally understandable how the petitioner-College can obtain from this Court a direction to the Central Government and the Union Public Service Commission to continue to recognise Maithili University when it was not a University established under any Act or the State/Central Legislature or a deemed University under any such Act. It is again understandable how the petitioner-College can obtain from this Court a direction to respondents 1 and 2 (Deputy Educational Advisor, Human Resources Development and the Union Public Service Commission, respectively) to hold examination for its students or cause such examination to be held through other University, thus, the reliefs sought by the petitioner-College in this writ petition being misconceived, the same cannot be granted by entertaining it. This writ petition is, therefore, liable to be dismissed in limine.

8. Having seen the plight of innocent students as those of the petitioner-College, I have thought that I would be failing in my duty if I do not observe, before parting with the case, that the State Government should cease to be a mute spectator while certain so-called educational institutions in the State including the one on hand thrive on and flourish at heavy expense, pain, suffering and agony of certain innocent youngsters from different far-off parts of the country joining them under a fond hope of securing academic qualifications in their endeavour and anxiety to find some suitable employment or occupation, but end

up in rather utter frustration jeopardising their future careers. Observations of the Supreme Court made in A.P. Christians Medical Educational Society Vs. Government of Andhra Pradesh and Another, in a similar context that the Government concerned should devise suitable ways, legislative and administrative, to make the victimised students obtain monetary compensation from the erring institutions or their assets, aptly apply here.

9. In the result, this writ petition dismissed in limine.

10. Petition dismissed.