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IN THE HIGH COURT OF DELHI AT NEW DELHI

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Judgment Reserved on: 05.10.2020

Judgment Pronounced on: 03.11.2020

+ W.P.(C) 2634/2020

ANUBANDHA ANAND

... Petitioner

Through Mr. Amit Bansal and Mr. Sourabh Jain, Advs.

versus

UNION OF INDIA & ANR.

... Respondents

Through Ms. Richa Dhawan, Adv. for R-1
Mr. B.S. Rana and Mr. Rajinder Dhawan, Advs.
for R-2.

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

JAYANT NATH, J.

1. This writ petition is filed by the petitioner seeking the following relief: -

a) issue writ of mandamus or any other appropriate writ, order or direction in the nature thereof directing the Respondents to grant the Equivalence Certificate to the Petitioner for the bachelor's degree issued by University of Illinois at Chicago.

2. The case of the petitioner is that he had pursued B.S. (Mechanical Engineering) Degree Programme from International Centre for Applied Sciences (ICAS), Manipal. International Centre for Applied Sciences (ICAS), Manipal is affiliated to Manipal Academy for Higher Education and offers full time B.S. (Mechanical Engineering) Degree Programme with a provision for credit transfer to any foreign universities at the end of second

year of the studies. The petitioner passed out his class 12th and thereafter, joined International Centre for Applied Sciences (ICAS), a unit of Manipal University. The petitioner was issued a migration certificate dated 23.07.2015 by ICAS certifying that the petitioner had partly completed successfully the first two years of the four year course in B.S. (Mechanical Engineering) during the academic period 2013-2015. The petitioner thereafter enrolled for two years at the University of Illinois, Chicago. The petitioner was granted a certificate of admission dated 23.04.2015 by the University of Illinois. After successful completion of the two years of studies at the said University of Illinois, the petitioner was granted a degree of Bachelor of Sciences in Mechanical Engineering by the University of Illinois, Chicago on 17.12.2017. The World Education Services (WES) granted the equivalence certificate dated 15.03.2019 to the petitioner stating that the Bachelor of Science awarded by the University of Illinois at Chicago in Mechanical Engineering is equivalent to a Bachelor's Degree (Four years).

3. The petitioner on 31.08.2019 applied to the Association of Indian Universities for grant of equivalence certificate. The said Association of Indian Universities/Respondent No.2 is registered as a society and is an association of Indian Universities. Being the apex body of the universities in the country, it has been serving its member universities by facilitating equivalence of degrees awarded by foreign universities to help people with foreign degrees to pursue higher studies in Indian Universities. The said respondent No.2 is the only body in India which is recognised to grant equivalence of degrees awarded by foreign universities. The respondent No.1 MHRD/UOI by a letter dated 13.03.1995 has issued a notification

stating that those foreign qualifications which are recognised/equated by respondent No.2 are treated as recognised for the purpose of employment to post and services under the Central Government. Respondent No.2 is the only body in India which has the power and authority to provide the equivalence certificate in India for the corresponding degrees provided by any foreign university.

4. In response to the application of the petitioner dated 31.08.2019, a letter was received from respondent No.2 dated 14.10.2019 withholding the request made by the petitioner. It is the case of the petitioner that the petitioner qualifies all the requirements as stated in the Information Brochure on Policies and Procedures for Equivalence of qualifications/degrees as issued by respondent No.2. Hence, the present writ petition.

5. The respondent No.2 has filed their counter affidavit. In the counter affidavit, it is stated that the petitioner's college ICAS is a school of engineering belonging to Manipal Academy of Higher Education (Manipal University). An MOU/Agreement exists between Manipal University and University of Illinois, Chicago and there is a provision of credit transfer for the duration of the course studied in Manipal University for pursuing studies in foreign university. It is stated that the degree in question, namely, Bachelor of Science (Mechanical Engineering) of University of Illinois, Chicago is a four year course whereas the petitioner has studied two years of the said course in Manipal University and later studied two years of the said course in University of Illinois, Chicago. It is pleaded that the said agreement between Manipal University and University of Illinois, Chicago has not been produced by the petitioner. The said agreement required

approval of UGC as per University Grants Commission (Promotion and Maintenance of Standards of Academic Collaboration between Indian and Foreign Educational Institutions) Regulations, 2012. It is stated that the said regulations have been framed by University Grants Commission in pursuance of powers vested under Section 26 of the University Grants Commission Act, 1956. It is stated that on account of the said facts and the said regulations, the respondent No.2 had requested the petitioner to produce a copy of approval taken by Manipal University from UGC. It is further stated that the present petition is also bad on account of non-joinder of the parties. It is stated that Manipal University and University Grants Commission are necessary parties for deciding the issue in this matter.

6. I have heard learned counsel for the parties.

7. Mr. Amit Bansal, learned counsel appearing for the petitioner has urged that there is no collaboration agreement between Manipal University and University of Illinois, Chicago as is claimed by respondent No.2. Reliance is placed on Regulation 55(b) of the Information Brochure containing “Policies and Procedure for According Equivalence of Qualification/Degrees” issued by respondent No.2. It is pleaded that in terms of the said terms and conditions of the brochure issued by respondent No.2, the petitioner is entitled to a certificate of equivalence.

8. Learned counsel for respondent No.2 has placed reliance on a certificate issued by ICAS which is attached as Annexure P-3 to the writ petition to plead that there exists a twinning agreement/MOU between ICAS (Manipal University) and University of Illinois, Chicago, USA. It has been stressed that in term of University Grants Commission (Promotion and Maintenance of Standards of Academic Collaboration between Indian and

Foreign Educational Institutions) Regulations, 2012, under Clause 6 (d) no foreign educational institution or Indian educational institution shall establish or operate its educational activity in India through collaboration leading to award of degrees, post-graduate diploma without express permission or approval of the Commission. He further states that the respondent No.2 has never rejected the application of the petitioner. The petitioner vide communication dated 14.10.2019 had merely sought information from the petitioner. Hence, it is stated that instead of providing the information the petitioner has filed the present writ petition. It is stated that the present writ petition is premature.

9. I may first look at the communication that was sent by respondent No.2 on 14.10.2019 which has been challenged in the present Writ Petition. The said communication reads as follows:-

"This has reference to your letter dated 31st August 2019, seeking clarifications on the parity of qualifications obtained by you.

It has been observed from the copies of the Academic Transcripts submitted to us that you after completion of your school education have joined Manipal University to pursue four year Bachelor of Engineering Degree Programme and you have been awarded Bachelor of Science in Mechanical Engineering degree by University of Illinois, Chicago, an accredited university in USA.

In this connection, it is to inform you that degrees awarded in collaboration with foreign university are equated with point no. 57 of our information brochure available at our website www.aiu.ac.in under Evaluation Division.

Degrees awarded by foreign universities for studies undertaken in India may be equated with the corresponding degrees awarded by Indian Universities provided they fulfil the following conditions:

- a) The foreign university awarding the degree must be duly approved/ recognized by the competent authorities in its own country and/or must be duly accredited by the recognized accrediting agency in its own country.
- b) The institute/college/university where studies were undertaken in India must be duly approved/recognized by the competent authorities in India and/or duly accredited by the recognized accrediting agencies in India.
- c) The institute/college/university where studies were undertaken in India must be duly approved by the competent authorities in India (UGC/AICTE/Government of India) to award degree of the foreign university.
- d) The degree has been awarded in accordance with the Rules & Regulations framed by the Statutory /Regulatory Bodies in India.
- e) The student has completed his studies as a full time regular student throughout the prescribed duration of the programme of the studies.
- f) That all other parameters as laid down by AIU for according equivalence to foreign degrees have been fulfilled.

In the light of above we are requesting to kindly produce a copy of approval taken by Manipal University to conduct program in collaboration with University of Illinois, Chicago.

Your DD No. 26899 dated 31.08.2019 is returned herewith. "

10. Hence, the aforesaid communication returns the Demand Draft sent by the petitioner and requests the petitioner to produce a copy of the approval taken by Manipal University to conduct programme in collaboration with University of Illinois, Chicago. As noted above, it is the case of respondent No.2 that the said collaboration agreement in question requires prior permission of UGC in terms of University Grants Commission (Promotion and Maintenance of Standards of Academic Collaboration between Indian and Foreign Educational Institutions) Regulations, 2012.

11. In the course of arguments, it was put to the learned counsel for respondent No.2 as to how respondent No.2 has come to a conclusion that Manipal University has a collaboration with University of Illinois, Chicago. My attention was drawn to a communication dated 12.6.2014 issued by International Centre for Applied Sciences (ICAS), a unit of Manipal University signed by Dr. G.M.J. Bhat, the Director of the Institute, relevant portion of which reads as follows:-

“The curriculum, the standard of syllabi and standard of valuation is similar to that of a majority of US Universities and especially Milwaukee School of Engineering (MSOE), Milwaukee. ICAS imparts instruction to its students under the Twinning Programme for which there exists a MOU between MU and MSOE, MU has also signed a MOU with Andrews University, Berrien Springs, Michigan; Illinois Institute of Technology, Chicago. The University of Missouri-Kansas City, Missouri, RUSS College of Engineering and Technology, Athens;"

12. Learned counsel for the petitioner has vehemently urged that the respondents are misreading the said document dated 12.06.2014. The petitioner has completed his course from University of Illinois at Chicago. The document 12.06.2014 issued by Manipal University is talking about a twinning programme of which there exists an MOU between Manipal University and one Illinois Institute of Technology, Chicago. It has been strongly urged that the University of Illinois and Illinois Institute of Technology Chicago are distinct and separate entities having no connect whatsoever. University of Illinois has no connect with Illinois Institute of Technology, Chicago as has been wrongly and on a misreading of the document dated 12.6.2014 concluded by respondent No.2. The case of the petitioner is that it is the discretion of the University of Illinois to give credit to the petitioner for the two years spent studying in Manipal University. There is no collaboration or agreement between Manipal University and University of Illinois to the said effect. It is a standard practice in lot of foreign universities of giving credit for work done in other universities. Based on the same, University of Illinois gave credit of two years for the studies done by the petitioner in Manipal University.

13. The petitioner has alongwith the written submissions filed printouts of details of the two Universities in question, namely, the Illinois Institute of Technology and University of Illinois at Chicago. University of Illinois at Chicago has a campus near West Side Community Centre adjacent to Chicago loop and was established in 1982. In contrast Illinois Institute of Technology was established in 1890. A perusal of the printouts which have been taken from Wikipedia clearly shows that the two institutes are different and distinct.

14. In the above context reference may be had to the relevant clause of Policies and Procedure for Equivalence of Qualifications/Degrees issued by respondent No.2 in the form of an Information Brochure. Reference may be had to clauses 53 to 55 which read as follows:-

"53. Equivalence is granted to students if he/she meets the following eligibility conditions:

- a. The degree has been awarded by a university which is duly approved/recognized/ accredited in its own country;
- b. The student has pursued the programme of studies as a full time regular student on the campus of the university in the foreign country;
- c. The minimum eligibility qualification for admission. to the programme of the study is at least the same as prescribed in India; and
- d. d. The duration of the programme of study is at least the same as prescribed in India;

54. The minimum prescribed duration and minimum eligibility of various Programmes of Studies in India, shall be such as are specified by the University Grants Commission (UGC) vide Gazette Notification published from time to time;

55. In such cases where the prescribed programme duration is at least the same as prescribed in India but a student was awarded degree within a shorter duration due to credit transfer, exemption and summer/winter courses, the AIU may accord equivalence in the following situations:

- (a) Degrees awarded in lesser duration in terms of years of studies than applicable in case of Indian universities

even though the student may have completed all the credits specified by the university and/or the semesters as applicable in case of Indian universities; While AIU must not relax the requirements of the minimum duration of degrees, the duration should, instead of being measured in terms of precise number of months/years, be measured in terms of completion of the number of Semesters/Trimesters and all such cases where the degrees have been awarded upon completion of as many semester/trimester as are prescribed in case of Indian universities he awarded equivalence;

(b) Degrees awarded where the University has accepted credits taken by students from other universities/degree-awarding institutions including those in India:As acceptance of credits and credit transfer is a normal practice in most foreign universities and that the same is also being encouraged in India, the AIU may accord equivalence to such foreign degrees where the duration have been shortened on account of credits accepted by the foreign universities so long as the degrees awarded by foreign universities meets all other parameters specified by the AIU;

(c) Degrees awarded where the University has granted exemption to the student from certain number of credits or certain number of semesters: Given the fact that foreign universities grant exemptions to their students on the basis of their academic records/attainment/transfers from other higher educational institutions, the AIU should grant equivalence to such foreign degrees where the duration have been shortened on account of exemption granted by the foreign universities so long as the degree meets all other parameters specified by the AIU.”

15. Hence, it is not the case of respondent No.2 that the petitioner does not satisfy the requirements stated in clause 53 or 55.

16. Clause 55(b) provides that acceptance of credits or credit transfer is a normal practice in most foreign universities and the same is also being encouraged in India. Respondent No.2 may accord equivalence to such foreign degrees where the duration of the degree has been shortened on account of credits accepted by the foreign universities so long as the degrees awarded by the foreign universities meets all other parameters specified by respondent No.2.

17. In this context reference may be had to the Migration Certificate issued by Manipal University which reads as follows:-

“This is to certify that Mr. ANUBANDHA ANAND (Regn.No.:131610075) was a student of the International Centre for Applied Sciences (I.C.A.S.) and has partly completed successfully the first two years of the four year course in B.S. (Mechanical Engineering) during the academic period 2013-2015. Throughout his studies at I.C.A.S. his conduct was very good. We have no objection if he wishes to migrate to any University for continuing and completing his engineering studies.”

18. Based on the above, after completion of the two year study, University of Illinois has issued a Bachelor of Science in Mechanical Engineering to the petitioner on 17.12.2017.

19. It is obvious that the petitioner in terms of Regulation 55(b) of the Regulations of the Information Brochure issued by respondent No.2 is eligible for grant of equivalence certificate inasmuch as he has received credits for the two years that he has studied at Manipal University. The grant of credits was clearly permissible. Respondent No.2 has failed to place on record any document to show that there is any collaboration between

Manipal University and University of Illinois, Chicago, USA. The averment appears to have been made on a misreading of document dated 12.06.2014 issued by Manipal University.

20. I, accordingly, quash the impugned communication dated 14.10.2019 issued by respondent No.2. Respondent No.2 is directed to process the application of the petitioner as per law expeditiously and if all other things are in order, award the equivalence certificate to the petitioner within four weeks. Petition is allowed, as above.

NOVEMBER 03, 2020/n/st

JAYANT NATH, J

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