



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE E.S.INDIRESH

WRIT PETITION NO. 4578 OF 2026 (EDN-RES)

BETWEEN:

SRI DESHANI GAURAV
AGED ABOUT 46 YEARS
S/O. SRI KIRITBHAI
INDRAPRASTHA-E, FLAT NO.12
2ND FLOOR, NEAR AMBIKA PARK
HANUMAN MADHI CHOWK
RAIYA ROAD, RAJKOT-360007
GUJARAT.

...PETITIONER

(BY SRI. UDAY SHANKAR M., ADVOCATE)

AND:

1. KARNATAKA STATE OPEN UNIVERSITY
MUKTHAGANGOTHRI
MYSORE - 575 006
REP. BY ITS REGISTRAR.

2. UNIVERSITY GRANTS COMMISSION
BAHADUR SAFAR MARG
NEW DELHI 110002
REP. BY ITS SECRETARY.

...RESPONDENTS

(BY SRI. T P RAJENDRA KUMAR SUNGAY., ADVOCATE FOR R1;

SRI. H R SHOWRI, ADVOCATE FOR R2)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF
THE CONSTITUTION OF INDIA PRAYING TO CALL FOR
RELEVANT RECORDS FROM THE RESPONDENTS, DIRECT THE
R1 TO ISSUE MIGRATION CERTIFICATE TO THE PETITIONER
FORTHWITH.



THIS PETITION, COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE E.S.INDIRESH

ORAL ORDER

Heard the learned counsel appearing for the parties.

2. In this writ petition, petitioner has sought for writ of mandamus directing respondent No.1 to issue Migration Certificate to the petitioner, *inter alia* sought for direction to respondent No.1-University to verify the qualification of the petitioner's as M.Sc (IT) qualification.

3. Having taken note of the submission made by the learned counsel appearing for the parties, the petitioner has sought for issuance of Migration Certificate by respondent No.1 and in this regard, on careful consideration of the order passed by this Court, in identical circumstances in W.P.No.8193/2024, disposed of on 24.04.2024, paragraphs 9 to 17 reads as under:

"9. The submission on behalf of UGC is that, in view of the communication of the UGC dated 18.08.2021 addressed to the KSOU wherein it has been categorically stated that KSOU shall not issue any degree outside its territorial jurisdiction.



Gujarat not being within its territorial jurisdiction KSOU could not have issued the Marks and and Degree Certificate.

10. Being of the considered opinion that the State Government under whose aegis, purview and supervision, the KSOU comes under the State of Karnataka represented by the Principal Secretary Department of Higher Education has been brought on record as respondent No.3. Learned Additional Government Advocate has accepted notice.

11. The manner in which, respondent No.1/KSOU, which is a University established by the State has acted, leaves not only much to be desired but also reeks of fraud committed by the KSOU on unsuspecting students who taking into account that a university established by the State Government is conducting a course, having a belief that the action taken by the said University would be in compliance with the applicable laws, have taken up the course offered, paid fees for the said course and expected that the degree secured would be accepted by any other university and/or employer that they would apply to.

12. In the present case, the petitioner, having completed his pre-university with 73.83% marks, applied for M.Sc.(IT) in the year 2009-10, successfully completed the said course, having obtained 71.16% cumulative marks in M.Sc. (IT), as regards which respondent No.1/KSOU has issued a certificate. Subsequently, the petitioner also took up the MCA course offered by the very same study centre and KSOU and cleared the same with a percentage of 72.40 as regards which a MCA certificate was issued by respondent No.1/KSOU, which has been signed by its Vice Chancellor on 04.04.2012. The petitioner, having applied for a job, was also selected for the said job, for the purpose of confirmation of the job, the verification of original documents being required to be made,



the verification was refused by the KSOU, which now contends that the study centre has not received approval from concerned authority and as such, the KSOU cannot confirm the said certificate.

13. This as aforesaid, in my considered opinion, would only amount to fraudulent criminal activity on part of a State University, which has induced a student to apply to a course, make payment of fees for the said course. After studying for the same, taking up examination, clearing the examination, a certificate of marks has been issued, followed by a degree certificate, which now the KSOU refuses to certify

14. These certificates can also be divided into two aspects, the first aspect as regards the courses which the KSOU is authorized to conduct and second which it was not so authorized to conduct. In the sense, that KSOU was authorized to conduct M.Sc. (IT) course but not authorized to conduct MCA course without the permission of AICTE. That permission not having been obtained, the KSOU has issued a certificate signed by its Vice Chancellor conferring the degree of MCA on the petitioner. This certificate has been held out to the petitioner to be one which can be used by the petitioner as regards his qualification for the purpose of any further education and/or employment that the petitioner resorts to. The certificate having been signed by the Vice Chancellor, it cannot now be accepted that since the study centre has not obtained the requisite permission from the AICTE, the KSOU cannot verify the documents, if indeed that were to be so KSOU and or its Vice Chancellor ought to have verified this aspect before issuing the Marks Card and Degree Certificate. It is apparent that the reason for the same is on account of covering up the lapses on the part of KSOU and not one indicated in



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its letter to the Gujarat Technological University as per the request made by it.

15. In that view of the matter, I am of the considered opinion that the Principal Secretary, Higher Education Department would be required to initiate such action as is required against all the concerned officers of the KSOU in respect of the fraudulent criminal activities carried out by the KSOU from time to time since apparently the UGC, not having any supervisory authority, cannot initiate action against KSOU as it did not come under the purview of the UGC at the relevant point of time.

16. Though the petitioner has knocked on the door of this Court expecting complete justice, this Court cannot come to the rescue of the petitioner in the complete manner required since no authority can be conferred on the KSOU to verify the certificate, which they had no authority to issue in the first place.

17. It is clear from the face of records that the KSOU did not have any power, either by itself or through its study centres or Academic Collaborative institutions, to conduct a course called Master of Company Application, thereby putting the interest on the petitioner in jeopardy, the certificate and/or Degree issued by KSOU for MCA is now a worthless piece of paper.

18. I am of the considered opinion that the petitioner would be required to be compensated by an order of this Court rather than the petitioner being relegated to a Civil Court for a separate proceedings for the loss caused to the petitioner on account of the illegal activities of the KSOU. In that view of the matter, taking into consideration that the petitioner has spent two years of his life in pursuing a course which was not so authorized and expecting the certificate issued by the KSOU to be



valid, which now is found to be invalid. The KSOU is directed to make a payment of sum of Rs.10,00,000/- as compensation to the petitioner within a period of four weeks from today. The KSOU is at liberty to recover the said amount from the officers in default of the KSOU.

19. In view of the above, I pass the following:

::ORDER::

- i) The petition is partly allowed.*
- ii) A mandamus is issued directing respondent No.1/University to verify the M.Sc.(IT) qualification of the petitioner as per the documents at Annexure-E series within a period of three weeks from today.*
- iii) Respondent No.1 is directed to make a payment of Rs.10,00,000/- as compensation to the petitioner within a period of four weeks from today.*
- iv) In view of dismissal of the main petition, I.A.No.1/2014 for direction does not survive for consideration and the same is disposed of.*
- v) Enquiry report of the Principal Secretary, Higher Education Department to be filed on or before 08.07.2024.*
- vi) Re-list on 08.07.2024."*

3. Following the declaration of law made by this Court in the above case, the petition is accordingly disposed of in terms of the same.



4. Respondent No.1 is directed to issue the Migration Certificate to the petitioner in consonance with the order passed by this Court in the above case.

5. It is also to be noted that since the writ petition is being disposed of, respondent No.1-University is directed to verify the qualification of the petitioner's as M.Sc (IT), as and when it has been sought for by the employers, in the circumstances of the case.

**SD/-
(E.S.INDIRESH)
JUDGE**

AP
List No.: 1 Sl No.: 24