

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN
&

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

FRIDAY, THE 29TH DAY OF MAY 2015/8TH JYAISHTA, 1937

WA.No. 1461 of 2011 () IN WA.15258/2011

AGAINST THE JUDGMENT IN WP(C) 15258/2011 of HIGH COURT OF KERALA
DATED 19-08-2011

APPELLANT(S)/PETITIONER IN W.P(C) :-

ABDUL KHARIM.A. ,
S/O.LATE ABDUL HAKKIM, "PRASANTHI", T.C.9/1609
CHEKKALAMUKKU, KARIYAM ROAD, SREEKARYAM
TRIVANDRUM - 695 017.

BY ADV. SRI.MILLU DANDAPANI

RESPONDENT(S)/RESPONDENTS IN W.P(C) :-

1. THE REGISTRAR,
UNIVERSITY OF KERALA, THIRUVANANTHAPURAM-695 034.
2. THE REGISTRAR,
GURU GHASIDAS UNIVERSITY, KONI
BILASPUR-495 009 (CHHATTISGARH) .
3. THE CONTROLLER OF EXAMINATIONS,
INSTITUTE OF DISTANT EDUCATION, UNIVERSITY OFFICE
GURU GHASIDAS UNIVERSITY, KONI
BILASPUR 495 009 (CHHATTISGARH)
4. THE PRINCIPAL,
KERALA LAW ACADEMY, PEROORKKADA
THIRUVANANTHAURAM-695 005.

R1 BY ADV. SRI.M.RAJAGOPALAN NAIR
SRI.GEORGE POONTHOTTAM
SRI.BECHU KURIAN THOMAS, SC,

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 29-05-
2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**ASHOK BHUSHAN, C.J &
A.M. SHAFFIQUE, J.**

W.A. No.1461 of 2011

Dated this the 29th day of May 2015

J U D G M E N T

Shaffique, J.

This writ appeal is filed by the petitioner challenging the judgment dated 19.8.2011 in W.P.(C) No.15258 of 2011.

2. The writ petition had been filed seeking for a direction to the first respondent to provide Eligibility Certificate for B.A. Degree issued by the 2nd respondent to the petitioner and for a direction to the first respondent to publish the petitioner's result in the 6th Semester LLB Degree Course.

3. The short facts involved in the writ petition would disclose that the petitioner had joined the 4th respondent college for LLB Course on the basis of a Degree Certificate, Ext.P1 obtained from the Guru Ghasidas University, Bilaspur. It is stated that in 2004, the petitioner had initially applied to C.V.Raman University for three year Distance Education Course in B.A. Economics. By virtue of the judgment of the Apex Court in **Prof.Yashpal & others v. State of Chattisgarh** [(2005) 5 SCC 420], the students from C.V.Raman University were transferred to

the 2nd respondent University. The petitioner was also transferred and after writing the examination, he got a degree in the year 2007. On the basis of the aforesaid degree, he joined the 4th respondent college. By Ext.P2 dated 25.2.2008, the petitioner was called upon to produce the documents he was having including the Eligibility Certificate obtained from Kerala University, in case the degree certificate is obtained from an other University. The petitioner produced the documents, but by Ext.P3 dated 18.2.2009, a memo was issued by the University stating that the Eligibility Certificate cannot be issued as the course for which eligibility is sought for is not recognized by the University. Therefore, again he approached the Guru Ghasidas University and obtained certain documents along with which, the petitioner approached the University. Thereafter, the University by Ext.P10 dated 22.10.2010 called upon the petitioner to submit a copy of the document showing that Guru Ghasidas University is approved by the Distance Education Council. Though the petitioner wrote to the Guru Ghasidas University, they asked the petitioner to approach Dr.C.V.Raman University. Under such circumstances, when the petitioner's result was withheld, he had approached this Court seeking for the relief as aforesaid.

4. A statement has been filed by the Standing Counsel for the first respondent stating that since the petitioner had applied for Eligibility Certificate for B.A.Economics Degree (Distance) awarded by the Guru Ghasidas University on 14.7.2008 and it was not recognized by the University, the petitioner was informed the same in terms of Ext.P3 memo. Further it is stated that an opportunity was given to the petitioner to produce certain documents in order to indicate that Guru Ghasidas University was approved by the Distance Education Council. No such document was produced and therefore, it was informed that since the B.A.Degree (Distance Education) offered by Guru Ghasidas University is not recognized by the Kerala University, the petitioner is not entitled to get the equivalence certificate. Further, it is stated that since the basic degree of the petitioner is not recognized by the Kerala University, the petitioner is not entitled to pursue LLB Degree course offered by the Kerala University.

5. The learned Single Judge, after taking into consideration the fact that since the first respondent University has not approved the Distance Education program awarded by the 3rd respondent as recognized one, dismissed the writ petition.

6. Learned counsel for the appellant submits that the first respondent University has to consider whether the Distance Education program, in which, the degree has been given by the 2nd respondent University can be approved or not. Though the petitioner has made an attempt to produce available documents, no action had been taken by the University. But, it is relevant to note that as per Ext.P3 itself, the petitioner was informed that the Eligibility Certificate cannot be issued as the course for which eligibility is sought, is not recognized by the Kerala University. It is apparent that the person who applied for a course is to have a minimum eligibility and if the eligibility is having a degree from the recognized University, the candidate is bound to produce sufficient documents showing his eligibility. In so far as the degree is obtained from a University outside the jurisdiction of the University of Kerala, necessarily, an Eligibility Certificate is required showing the equivalence of the degree. The petitioner, admittedly, had obtained a degree on the basis of a Distance Education Program. The issue is regarding the acceptance of the said certificate by the Distance Education Council. The Kerala University never recognized this degree is equivalent to the degree by the Kerala University. Under such circumstances, we

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cannot issue a mandamus directing the University to consider Ext.P1 Degree Certificate as one which is eligible to be used for the purpose of joining LLB Course of Kerala University.

Under such circumstances, we do not think that the learned Single Judge had committed any error in dismissing the writ petition. We see no reason to interfere with the said judgment. Accordingly, the appeal is dismissed.

**Sd/-
ASHOK BHUSHAN
CHIEF JUSTICE**

**Sd/-
A.M. SHAFFIQUE
JUDGE**

//TRUE COPY//

P.A. TO JUDGE