

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

WEDNESDAY, THE 11TH DAY OF MARCH 2015/20TH PHALGUNA, 1936

WP(C).No. 235 of 2012 (D)

PETITIONER(S):

1. SANOOD K.P, 1ST YEAR MBA STUDENT,
GURUDEV INSTITUTE OF MANAGEMENT STUDIES (GIMS)
SREE NARAYANA TRUST, KADAKKAL, KOLLAM DISTRICT.
2. AJESH.V.V.,1ST YEAR MBA STUDENT
GURUDEV INSTITUTE OF MANAGEMENT STUDIES (GIMS)
SREE NARAYANA TRUST KADAKKAL, KOLLAM DISTRICT.

BY ADV. SRI.G.HARIHARAN

RESPONDENT(S):

1. UNIVERSITY OF KERALA
KARIYAVATTOM, THIRUVANANTHAPURAM, PIN-695 034
REPRESENTED BY ITS REGISTRAR.
2. CALICUT UNIVERSITY,
THENJIPPALAM, MALAPPURAM DISTRICT, PIN-673 635
REPRESENTED BY ITS REGISTRAR.
3. MAHATMA GANDHI UNIVERSITY
PRIYADARSINI HILLS, KOTTAYAM-686 560
REPRESENTED BY ITS REGISTRAR.
4. GURUDEV INSTITUTE OF MANAGEMENT STUDIES (GIMS)
SREE NARAYANA TRUST KADAKKAL, KOLLAM DISTRICT
PIN-691 536.

R1 BY ADV. SRI.BECHU KURIAN THOMAS, SC,
R2 BY ADV. SRI.SANTHOSH MATHEW,SC,
R3 BY ADV. SRI.VARUGHESE M.EASO, SC,
R4 BY ADVS. SRI.K.S.MANU (PUNUKKONNOOR)
SRI.P.SREEKUMAR

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 11-03-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

PJ

APPENDIX

PETITIONER(S) EXHIBITS

- EXT.P1 TRUE COPY OF THE ADMISSION CERTIFICATE DATED 20-09-2011 ISSUED BY THE M/S. GURUDEV INSTITUTE OF MANAGEMENT STUDIES(GIMS) KADAKKAL KOLLAM IN FAVOUR OF THE 1ST PETITIONER CERTIFYING THAT HE IS DULY ADMITTED TO THE TWO YEARS FULL TIME MBA PROGRAMME OF THE UNIVERSITY OF KERALA.
- EXT.P2 TRUE COPY OF THE ADMISSION CERTIFICATE DATED 20-09-2011 ISSUED BY THE M/S. GURUDEV INSTITUTE OF MANAGEMENT STUDIES (GIMS) KADAKKAL KOLLAM IN FAVOUR OF THE 2ND PETITIONER CERTIFYING THAT HE IS DULY ADMITTED TO THE TWO YEARS FULL TIME MBA PROGRAMME OF THE UNIVERSITY OF KERALA.
- EXT.P3 TRUE COPY OF THE CERTIFICATE DATED 15-06-2011 ISSUED BY THE MAHATMA GANDHI UNIVERSITY IN FAVOUR THE 1ST PETITIONER CERTIFYING THAT HE HAS PASSED THE DEGREE OF BACHELOR OF BUSINESS ADMINISTRATION IN APRIL 2010.
- EXT.P4 TRUE COPY OF THE PROVISIONAL CERTIFICATE DATED 17-06-2011 ISSUED BY THE UNIVERSITY OF CALICUT IN FAVOUR THE 2ND PETITIONER CERTIFYING THAT HE HAS PASSED THE DEGREE OF BACHLOR OF BUSINESS ADMINISTRATION IN APRIL 2011
- EXT.P5 TRUE COPY OF THE RELAVANT EXTRACT RELATING TO THE ELIGIBILITY FOR ADMISSION FOR MBA(FULL TIME/PART TIME) PROGRAMME 2009 ADMISSION ONWARDS.
- EXT.P6 TRUE COPY OF THE ONE SUCH INTERIM ORDER DATED 28-12-2010 PASSED IN WPC NO.38712/2010 BY THIS HON'BLE COURT.
- EXT.P7 TRUE COPY OF THE JUDGMENT MADE IN WPC NO.28964/2011 DATED 11-11-2011
- EXT.P8 TRUE COPY OF THE MEMO DATED 28-10-2011 ISSUED BY THE 1ST RESPONDENT ADDRESSED TO THE 1ST PETITIONER.
- EXT.P9 TRUE COPY OF THE APPLICATION DATED 26-11-2011 FILED BY THE 1ST PETITIONER BEFORE THE 1ST RESPONDENT.
- EXT.P10 TRUE COPY OF THE APPLICATION DATED 24-11-2011 FILED BY THE 2ND PETITIONER BEFORE THE 1ST RESPONDENT.

PJ

WP(C).No. 235 of 2012 (D)

- EXT.P11** **TRUE COPY OF THE COMMUNICATION DATED 02-12-2011 ISSUED BY THE 1ST RESPONDENT ADDRESSED TO 1ST PETITIONER.**
- EXT.P12** **TRUE COPY OF THE TIME TABLE OF S2 MBA (FT&PT) DEGREE EXAMINATION JULY, 2012 (2009 SCHEME-REGULAR AND SUPPLEMENTARY) ISSUED BY THE CONTROLLER OF EXAMINATION UNIVERSITY OF KERALA.**
- EXT.P13** **TRUE COPY OF THE SCHEDULE OF EXAMINATION FOR THE 3RD SEMESTER EXAMINATIONS ISSUED BY THE CONTROLLER OF EXAMINATION UNIVERSITY OF KERALA.**
- EXT.P14** **TRUE COPY OF THE TIME TABLE FOR THE IV SEMESTER MBA (FT & PT) DEGREE EXAMINATIONS CONDUCTED BY THE UNIVERSITY OF KERALA (2009 SCHEME REGULAR AND SUPPLEMENTARY) DURING JULY 2013.**
- EXT.P15** **TRUE COPY OF THE COMMUNICATION DATED 14/10/13 ISSUED BY THE UGC, NEW DELHI.**
- EXT.P16** **TRUE COPY OF THE RESULT OF THE MBA FULL TIME COURSE FOR THE YEAR 2013-14 PUBLISHED BY THE KERALA UNIVERSITY**

RESPONDENTS' EXHIBITS

- EXT.R3(A)** **TRUE COPY OF THE RELEVANT PAGES OF THE REGULATIONS RELATING TO RECOGNITION OF EXAMINATIONS AND DEGREES OF OTHER UNIVERSITIES**
- EXT.R3(B)** **TRUE COPY OF THE CIRCULAR NO.A.C.C.1/2011 DATED 30/5/11.**

/ TRUE COPY /

P.S. TO JUDGE

PJ

K. VINOD CHANDRAN, J

W.P(C) No. 235 of 2012

Dated this the 11th day of March, 2015

J U D G M E N T

The petitioners are MBA students under the 1st respondent University, the University of Kerala. The 1st petitioner obtained BBA under the Distance Education Stream from Mahatma Gandhi University, the 3rd respondent herein. The 2nd petitioner obtained BBA again under the Distance Education Stream from Calicut University, the 2nd respondent herein. The petitioners were aggrieved with the fact that the petitioner's admission to the MBA post graduate course was found to be irregular on account of the graduate qualification not being considered equivalent by the University of Kerala.

2. The petitioner was earlier before this Court which writ petition was disposed of as per Ext.P7. This Court directed the petitioners to file an application to the Kerala University for recognising their graduate degree.

It is stated by the learned Standing Counsel that on consideration, the Academic Council has decided to recognise the BBA degree of the Mahatma Gandhi University. Hence the 1st petitioner's admission is found to be regular. The 1st petitioner's admission to the MBA post graduate course under the 1st respondent would be regularised and the petitioner would also be considered as a regular student in the course.

3. However, with respect to the 2nd petitioner the BBA course conducted by the Calicut University under the distance education stream is even now not recognised by the Kerala University. It is stated by the learned Standing counsel that a decision has been taken by the Board of Studies to reject the request for recognition of the BBA distance education stream course, of the Calicut University. Only if recommendation is made by the Board of Studies, the same would be placed before the Academic Council, is the contention. In such circumstance, the 2nd petitioner would have to

definitely take his remedies against the decision of the Board of Studies.

4. This Court, cannot grant a regularisation on the contentions raised in the above writ petition. The learned counsel for the petitioners would specifically rely on Ext.P15 communication of the UGC and would contend that a course conducted by the University if recognised by the University Grants Commission, cannot be refused recognition by the individual Universities. The University Grants Commission, definitely, is the apex body regulating academic matters in the various Universities within the country. However, the power of the individual Universities to decide on equivalency and eligibility cannot at all be effaced merely on the ground that there is recognition by the University Grants Commission. It is trite that the minimum standards prescribed by the UGC would apply in the case of all the Universities and academic bodies and none can dilute such conditions. A rigour made by the individual University as to the

eligibility condition or the question of equivalence as long as it does not dilute the minimum standards prescribed; would be perfectly in order. This Court, which does not have any expertise in such academic matters, would shy away from interfering with such rigour on individual University brings in to ensure academic excellence. Useful reference can be made to **2009(1) SCC 610 [Guru Nanak Dev University v. Sanjay Kumar Katwal and 2010(8) SCR 475 [Maharshi Dayanand University v. Surjeet Kaur]**.

In such circumstance, the writ petition is partly allowed regularising the admission of the 1st petitioner but merely leaving open the remedies available to the 2nd petitioner. No costs.

Sd/-
(K. VINOD CHANDRAN, JUDGE)

jma

//true copy//

P.A to Judge