

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 12TH DAY OF JUNE 2015/22ND JYAISHTA, 1937

WA.No. 1212 of 2015 () IN WP(C).235/2012

**AGAINST THE ORDER/JUDGMENT IN WP(C) 235/2012 of HIGH COURT OF KERALA DATED
11-03-2015**

APPELLANT(S)/2ND PETITIONER:

**AJESH.V.V.
FORMER MBA STUDENT
GURUDEV INSTITUTE OF MANAGEMENT STUDIES (GIMS)
SREE NARAYANA TRUST KADAKKAL, KOLLAM DISTRICT
NOW RESIDING AT VELLARAM THADATHIL HOUSE
BAVALI P.O., PADAMALA, WAYANAD DISTRICT - 670 646.**

**BY ADVS.SRI.G.HARIHARAN
SRI.PRAVEEN.H.**

RESPONDENT(S):

- 1. UNIVERSITY OF KERALA
KARIYAVATTOM, THIRUVANANTHAPURAM - 695 034
REPRESENTED ITS REGISTRAR.**
- 2. CALICUT UNIVERSITY
THENJIPPALAM, MALAPPURAM DISTRICT - 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 - 691 536.**

**R4 BY SRI.P.SREEKUMAR,SC,
R2 BY SRI.SANTHOSH MATHEW,SC,CALICUTY UNIVERSITY
R3 BY SRI.VARUGHESE M.EASO, SC, M.G.UNIVERSITY
R1 BY SRI.BECHU KURIAN THOMAS, SC, UNIVERSITY OF KERALA**

**THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 12-06-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

ASHOK BHUSHAN, CJ

&

A.M. SHAFFIQUE, J.

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W.A. No. 1212 of 2015

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Dated this, the 12th day of June, 2015

J U D G M E N T

Ashok Bhushan, CJ

Heard the learned counsel for the appellant as well as the learned counsel appearing for the respondent University.

2. This writ appeal has been filed against the judgment dated 11th of March, 2015 in W.P (C) No.235/2012 by which the writ petition filed by the appellant was decided leaving open the remedies available to the 2nd petitioner, that is the appellant. The present appeal is filed by the 2nd petitioner to the writ petition, who is aggrieved by the judgment. The writ petition was filed by the appellant challenging the decision of the University of Kerala dated 2/12/11 by which University of Kerala has informed the appellant by letter dated 28/10/11 that eligibility certificate cannot be issued as the course for which eligibility is sought is not recognised by the University of Kerala. The said letter was with regard to BBA degree obtained by the appellant from the

University of Calicut. Petitioner in response to the letter sent letter dated 26/11/2011 forwarding certain documents to verify and grant recognition to the said course. The appellant has sent another reminder dated 24/11/2011. The writ petition was filed in which relief (iii) related to the second petitioner, which is to the following effect:

“(iii) Issue a writ of mandamus or any other appropriate writ commanding the 1st respondent to intimate the 2nd petitioner about the decision taken by it on the question of recognition of BBA degree (Off Campus) conducted by the Calicut University.”

3. Learned Single Judge after hearing the parties held that as BBA distance education stream of Calicut University has not been recognised by the Kerala University, there is no error in the decision taken by the University. It was further observed that question of equivalence is in the power of the University to decide and that eligibility cannot be assumed merely on the ground that there is recognition by the University Grants Commission. The appellant aggrieved by the said judgment has come up in this appeal. It is submitted that when the University Grants Commission has issued Circular dated 14/10/2013, Ext.P15,

holding that Degrees awarded by open and distance learning institutions should be treated as equivalent to the degrees awarded by traditional Universities/institutions, there was no reason for Kerala University not to accept the diploma submitted by the appellant.

4. Learned counsel appearing for the Kerala University submitted that in fact the appellant's claim was considered by Board of Studies and a decision was taken not to grant equivalence to the BBA diploma of the Calicut University. Hence, the appellant's admission could not have been regularised.

5. We have considered the submission of the learned counsel for the parties and perused the record.

6. The Kerala University has also considered the claim of equivalence of the BBA diploma, which was claimed by an applicant from Calicut University and had decided not to grant equivalence. The appellant prayed for directing the Kerala University to communicate the decision taken on the question of recognition of BBA Degree (Off Campus) conducted by the Calicut University. There being no challenge to the distance education

conducted by the University, it is not necessary for us to enter into the various submissions. The learned single Judge has rightly relied on the judgment of the Apex Court reported in ***Guru Nanak Dev University v. Sanjay Kumar Katwal*** [2009 (1) SCC 610]. Learned Single Judge while deciding the writ petition has left open the remedies available to the second petitioner to be pursued. We do not find any error in the judgment of the learned Single Judge which may warrant interference by us in this appeal. It is further made clear that the appellant may pursue the remedies as available to him against the decision taken by the Board of Studies.

With the above observations, the writ appeal is dismissed.

Sd/-

ASHOK BHUSHAN, CHIEF JUSTICE

Sd/-

A.M. SHAFFIQUE, JUDGE

Rp

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PS to Judge