

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

WEDNESDAY, THE 25TH DAY OF FEBRUARY 2015/6TH PHALGUNA, 1936

WP(C).No. 21052 of 2014 (F)

PETITIONER(S) :

NISHA L.,
AGED 31 YEARS, W/O.SREEJITH,
SREEJA DALE, VAYANAKAM,
NJAKKANAL P.O, OACHIRA, KOLLAM DISTRICT.

BY ADVS.SRI.K.SHAJ
SRI.SAJJU S.

RESPONDENT(S) :

1. UNIVERSITY OF KERALA,
UNIVERSITY BUILDING, PALAYAM AIRPORT ROAD,
NEAR AASAN SQUARE, PALAYAM,
THIRUVANANTHAPURAM KERALA - 695 037,
REPRESENTED BY ITS REGISTRAR.
2. THE PRINCIPAL,
BUDDHA COLLEGE OF TEACHER EDUCATION,
MUTHUKULAM NORTH MUTHUKULAM P.O.,
ALAPPUZHA - 690 506.

BY ADV. SRI.BECHU KURIAN THOMAS, SC, UNIVERSITY OF KERALA.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 25-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

rvs.

APPENDIX

PETITIONER(S) ' EXHIBITS :

- EXHIBIT P1. COPY OF THE PROSPECTUS FOR THE ADMISSION TO THE M.ED DEGREE COURSE OFFERED IN THE AFFILIATED TRAINING COLLEGES DURING THE ACADEMIC YEAR 2013-14.
- EXHIBIT P2. COPY OF THE CERTIFICATE IN MASTER OF SCIENCE (MATHEMATICS) ISSUED FROM THE SRI.VENKITESWARA UNIVERSITY TO THE PETITIONER.
- EXHIBIT P3. COPY OF THE HALL TICKET ISSUED FROM THE FIRST RESPONDENT UNIVERSITY FOR THE FIRST SEMESTER M.ED DEGREE EXAMINATION.
- EXHIBIT P4. COPY OF THE MEMO NO.AC.C/003619/13 DATED 26.11.13 ISSUED BY THE FIRST RESPONDENT UNIVERSITY TO THE PETITIONER.
- EXHIBIT P5. COPY OF THE LETTER DATED 10.12.13 OF THE REGISTRAR OF THE SRI.VENKATESWARA UNIVERSITY.
- EXHIBIT P6. COPY OF THE MEMO NO.AC.C/003619/2014 DATED 21.6.14 ISSUED BY THE FIRST RESPONDENT TO THE PETITIONER.
- EXHIBIT P7. COPY OF THE REVISED ORDER NO.AC.A111/2FO E/0012/2014 DATED 21.06.14 ISSUED BY THE FIRST RESPONDENT.
- EXHIBIT P8. COPY OF THE RELEVANT PAGES OF REGULATIONS RELATING TO RECOGNITION OF EXAMINATIONS AND DEGREES OF OTHER UNIVERSITIES OF THE KERALA UNIVERSITY PUBLISHED IN ITS OFFICIAL WEBSITE.
- EXHIBIT P9. COPY OF THE RELEVANT PAGE OF THE UNIVERSITIES WHICH ARE ACCORDED RECOGNITION FOR OFFERING PROGRAMS UNDER THROUGH DISTANCE MODE.
- EXHIBIT P10. COPY OF LETTER F.NO.UGC/DEB/2013 DATED 14.10.13 INCLUDING THE RELEVANT CIRCULARS.
- EXHIBIT P11. ELIGIBILITY CERTIFICATE ISSUED BY THE MAHATMA GANDHI UNIVERSITY TO THE PETITIONER.

RESPONDENT(S) ' EXHIBITS :

NIL.

/TRUE COPY/

P.A.TO JUDGE

RVS.

K. VINOD CHANDRAN, J

W.P(C) No. 21052 of 2014

Dated this the 25th day of February, 2014

J U D G M E N T

The petitioner obtained M.Sc (Mathematics) degree from Sri Venkateswara University, under the distance education stream and applied for admission to the M.Ed degree course under the respondent University, for the academic year 2013-14. The petitioner was admitted to the 2nd respondent College affiliated to the 1st respondent University and was also permitted to sit for the I Semester examination, however, provisionally subject to consideration of eligibility.

2. The petitioner having obtained a degree from outside the State, was obliged to get an eligibility certificate for seeking admission to the M.Ed Course under the respondent University.

Hence the petitioner's eligibility to seek admission to the M.Ed course could be granted only on her qualification of M.Sc degree in Mathematics being approved as eligible for admission to the M.Ed course by the Academic Council. The Academic Council rejected the recognition by Ext.P6; which is impugned herein.

3. The learned counsel for the petitioner refers to Ext.P5, wherein it is indicated that Sri Venkateswara University carries on M.Sc (Mathematics) course both under the regular and distance mode. The regulations relating to recognition of degrees of other University issued by University of Kerala, is produced as Ext.P8. The regulations specifically recognises "M.Sc (Mathematics) private study" of Sri Venkateswara University, equivalent to M.Sc (Mathematics) of the

Kerala University. The petitioner's contention is that the syllabi in the private study is similar to that of regular study and the distance stream also takes in an identical syllabus.

4. Going by Ext.P5, issued by Sri Venkateswara University, M.Sc(Mathematics) is undertaken both under the regular and distance mode. It is not clear as to whether there is a private study for the course apart from the distance mode specified in Ext.P5. In any event, the "M.Sc (Mathematics) private study" has been approved as equivalent by the respondent University.

5. Whether it be in private study or in distance mode, no specific imparting of training is carried on by the University, which awards the degree. Both private study and distance mode contemplates self-study by students; in certain cases,

with materials supplied by the University. The University, after registration, in certain instances also carries on contact classes, where the faculty of the University interact with the students and impart them training in the various subjects.

6. Be that as it may, since “M.Sc (Mathematics) private study” is specifically noticed as equivalent to the M.Sc (Mathematics) of the Kerala University, definitely, the Academic Council could compare the syllabi of M.Sc (Mathematics) distance mode; and if the same is found to be similar to that of private study, there is no impediment in granting admission to the M.Ed course. If the petitioner produces the syllabi of M.Sc (Mathematics) distance mode, before the University within a period of two months from today, the Academic Council shall reconsider the issue; and de hors the decision taken

in the case of the petitioner as per Ext.R1(c), the Academic Council shall consider the same within six months. In the event the petitioner's qualification being granted eligibility, the petitioner could definitely seek a fresh admission to the M.Ed Course.

Writ petition is disposed of as above. No costs.

Sd/-
(K. VINOD CHANDRAN, JUDGE)

jma

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P.A to Judge