

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

MONDAY, THE 13TH DAY OF JULY 2015/22ND ASHADHA, 1937

WP(C).No. 24871 of 2014 (H)

PETITIONER(S):

**UMESH E., AGED 37 YEARS,
S/O. VIJAYAN, 'DWARAKA', ARC ROAD,
KATHIROOR P.O., THALASSERY VIA, KANNUR DISTRICT,
PIN-670 642.**

**BY ADVS.SRI.B.VINOD
SRI.S.U.NAZAR
SRI.I.V.PRAMOD**

RESPONDENT(S):

- 1. UNIVERSITY OF KERALA,
REPRESENTED BY IT'S REGISTRAR, THIRUVANANTHAPURAM,
PIN-695 034.**
- 2. UNIVERSITY OF KANNUR,
REPRESENTED BY IT'S REGISTRAR, MANGATTU PARAMBU,
KANNUR UNIVERSITY CAMPUS P.O., PIN-670 567.**

**R1 BY ADV. SRI.BECHU KURIAN THOMAS, SC
R2 BY ADV.SRI.V.A.MUHAMMED, SC**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
13-07-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

WP(C).No. 24871 of 2014 (H)

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1- A TRUE COPY OF THE CERTIFICATE ISSUED UNDER AUTHORITY OF THE GOVERNMENT OF TAMIL NADU.

EXHIBIT P2- A TRUE COPY OF TRANSFER CERTIFICATE ISSUED FROM THE KANNUR UNIVERSITY DATED 9-8-2007.

EXHIBIT P3- A TRUE COPY OF DEGREE DIPLOMA CERTIFICATE ISSUED BY THE UNIVERSITY OF MADRAS TO THE PETITIONER.

EXHIBIT P4- A TRUE COPY OF LETTER NO. PRO/PIO/RTI/533/2012 DATED 28-6-2012 OF THE PUBLIC INFORMATION OFFICER, UNIVERSITY OF KERALA.

EXHIBIT P5- A TRUE COPY OF LETTER NO. KU/SPIO/RTI/1141-1150 DATED 19-6-2012.

EXHIBIT P6- A TRUE COPY OF LETTER NO. PRO/PIO/RTI/1044 DATED 13-2-2014 ISSUED BY THE PUBLIC INFORMATION OFFICER OF UNIVERSITY OF KERALA.

EXHIBIT P7- A TRUE COPY OF CERTIFICATE THSLCE CERTIFICATE DTD.18.3.1992 ALONG WITH ARK SHEET OF THE PETITIONER.

RESPONDENT(S)' EXHIBITS:

EXT.R1(a): TRUE COPY OF THE RELEVANT PAGES OF THE PROSPECTUS FOR DISTANCE EDUCATION OF THE 1ST RESPONDENT UNIVERSITY.

//TRUE COPY//

P.S.TO JUDGE

Msv/

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 24871 of 2014

Dated this the 13th day of July, 2015

J U D G M E N T

The petitioner has approached this Court aggrieved by the inaction on the part of the respondent university in granting equivalency certificate.

2. The petitioner is a B.Com degree (3 year) holder through distance mode of Madras University, which is recognized by the University of Kerala. According to the petitioner, for studying B.Com through distance mode, the Kerala University does not stipulate any essential qualification except that the applicant must be above 18 years whereas in the Madras University, candidates will have to possess a Higher Secondary Education in order to do B.Com through distance education. The petitioner is aggrieved by the stand of the respondents that since the Higher Secondary Education possessed by the petitioner is not recognized by the University of Kerala, they are unable

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to issue equivalency certificate for B.Com degree (3 year) through distance education mode to the petitioner. Hence, this writ petition.

3. In the counter affidavit filed by the respondent university, it was contended that as per the Kerala University Act, 1974 and the Regulations relating to recognition of examinations and degrees of other universities of the 1st respondent university, the Academic Council is vested with the power to decide what examinations, degrees etc., of other universities or authorities are to be accepted as equivalent to those of the 1st respondent university and to grant recognition thereon. The academic council, in its meeting held on 26th and 27th of May, 2005, had resolved to issue eligibility/equivalent certificate in respect of already recognized course only if the applicant has secured the degree following the 10+2+3 pattern of study. Therefore, even if the degree, for which an eligibility/equivalent certificate is applied for by the applicant, is recognized by the 1st respondent university, eligibility/equivalent certificate will be issued

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only if the applicant has undergone the 10+2+3 pattern of study. The petitioner herein had secured his Higher Secondary Education Certificate through private mode from the Government of Tamilnadu. Higher Secondary Education Certificate through private mode granted by the Government of Tamilnadu does not adhere to the 10+2+3 pattern of study. The Higher Secondary Education Certificate through private mode has also been de-recognized by the 1st respondent university from 1991 onwards vide University Order dated 26.07.1991. Therefore, since the course of study undergone by the petitioner does not adhere to the 10+2+3 pattern of study, the petitioner cannot be granted eligibility/equivalent certificate for the degree obtained by him. According to them, the averment in para 1 of the writ petition that the petitioner had secured his Higher Secondary Education Certificate through distance education mode from the Government of Tamilnadu is not correct. The petitioner had secured his Higher Secondary Education Certificate through private mode and not through distance education

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mode as evident from Ext.P1. They admitted the averment in para 2 of the writ petition that the B.Com (Cooperation) Degree obtained by the petitioner through distance education mode from the University of Madras is recognized by the 1st respondent. According to them, the allegation that the 1st respondent university does not stipulate any essential qualification for pursuing the B.Com Degree through distance education is far from truth. The prospectus for distance education of the 1st respondent university stipulates various conditions for seeking admission to the B.Com Degree through distance education. They have produced the relevant pages of the prospectus for distance education of the 1st respondent university as Ext.R1(a).

4. The petitioner has filed a reply affidavit along with Ext.P7, which is the copy of the concerned page of the THSLC certificate dated 18.03.1992. According to the learned counsel for the petitioner, the Higher Secondary Course Certificate of Government of Tamilnadu was recognized by the Kannur University and the petitioner

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migrated from the Kannur University to Madras University. According to him, had the petitioner completed B.Com through distance education from Kannur University, Eligibility Certificate is not required to pursue Government applications to the public sector jobs.

5. In the light of Ext.P7, this Court is of the view that the matter requires reconsideration by the respondent university.

Therefore, the writ petition is disposed of directing the respondent university to reconsider the issue in the light of what has been stated above within a period of two weeks from the date of receipt of a copy of this judgment after affording the petitioner an opportunity of being heard.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

bka/-