

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ANIL K.NARENDRA

FRIDAY, THE 4TH DAY OF SEPTEMBER 2015/13RD BHADRA, 1937

WP(C).No. 34948 of 2014 (P)

PETITIONER :

REMYA. R,
RESIDING AT REMYAM(NEAR MUKKULAM), MAYYANAD.P.O,
KOLLAM, PIN-691303.

BY ADVS.SRI.JOHNSON GOMEZ
SRI.S.BIJU

RESPONDENT :

MAHATMA GANDHI UNIVERSITY,
REPRESENTED BY ITS REGISTRAR, PRIYADARSINI HILLS, KOTTAYAM,
PIN-686560.

BY ADV. SRI.VARUGHESE M.EASO, SC, M.G.UNIVERSITY

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 04-09-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 34948 of 2014 (P)

APPENDIX

PETITIONER'S EXHIBITS :-

- P1:-A TRUE COPY OF THE DEGREE CERTIFICATE ISSUED BY THE UNIVERSITY OF KERALA DTD 21ST MAY 2003.
- P2:-A TRUE COPY OF THE ELIGIBILITY CERTIFICATE SI NO 2242 DTD 24/7/2014 ISSUED BY THE UNIVERSITY OF KERALA.
- P3:-A TRUE COPY OF THE ELIGIBILITY CERTIFICATE SI NO 67 DTD 5/8/2010 ISSUED BY THE UNIVERSITY OF KERALA.
- P4:-A TRUE COPY OF THE STATEMENT OF MARKS ISSUED BY THE PERIYAR UNIVERSITY.
- P5:-A TRUE COPY OF THE CERTIFICATE SI NO 2235 DTD 20/7/2012 ISSUED BY THE UNIVERSITY OF KERALA.
- P6:-A TRUE COPY OF THE EQUIVALANCY CERTIFICATE SERIAL NO 42 DTD 15/10/2010 ISSUED BY THE BY THE M G UNIVERSITY.
- P7:-A TRUE COPY OF THE PROSPECTUS OF THE STATE ELIGIBILITY TEST-DECEMBER 2013 ISSUED BY THE LBS CENTRE FOR SCIENCE AND TECHNOLOGY.
- P8:-A TRUE COPY OF THE REPRESENTATION DTD 6/12/2014 SUBMITTED BY THE PETITIONER BEFORE THE RESPONDENT.
- P9:-A TRUE COPY OF THE LETTER DTD NIL SUBMITTED BY THE PETITIONER BEFORE THE RESPONDENT.

RESPONDENT'S EXHIBITS :- NIL.

True copy

P.A to Judge

ANIL K.NARENDRA, J.

W.P.(C)No.34948 of 2014

Dated this the 4th day of September, 2015

JUDGMENT

The petitioner is a Bachelor Degree holder of Science in the vocational subject Industrial Fish and Fisheries with optional subject as Bio-Chemistry and Zoology from the University of Kerala, which is evident from Ext.P1 Degree Certificate issued by the said University dated 21.5.2003. In Ext.P2 the University of Kerala has certified that B.Sc. Degree in Industrial Fish and Fisheries, Bio-Chemistry and Zoology (Regular) is recognized as equivalent to B.Sc. Degree in Zoology by that University for employment purpose. In Ext.P3 Eligibility Certificate the University of Kerala has also certified that B.Sc.(Vocational/Restructured) Degree in Industrial Fish and Fisheries, Biochemistry and Zoology of that University is an eligible qualification to seek admission to B.Ed. Degree Course in Natural Science in the affiliated Training Colleges of that University, subject to the other conditions stipulated by the respective regulations for admission to the course.

2. The petitioner obtained her M.Sc. Degree in Biotechnology (Regular) from the Periyar University at Selam and she was issued with Ext.P4 consolidated statement of marks, certifying that she has passed M.Sc. Biotechnology with first class. Ext.P5 Eligibility Certificate would show that, the University of Kerala has recognized M.Sc. Degree in Biotechnology (Regular) of Periyar University as equivalent to M.Sc. Degree in Biotechnology of the University of Kerala. Relying on Ext.P6 Equivalency Certificate, the petitioner would contend that, the Master Degree of Science in Biotechnology of the respondent University has been recognized as equivalent to M.Sc. Zoology degree of that University for employment purpose and also for the purpose of appointment to the post of Higher Secondary School Teacher (HSST) in Zoology. Ext.P6 Equivalency Certificate has also been issued in the case of a candidate namely Princy Mathew.

3. On the strength of M.Sc. Degree in Biotechnology obtained from Periyar University and also B.Ed. Degree from the very same University, the petitioner applied for State Eligibility Test (SET), which is an essential qualification for appointment of HSST in

the State. Ext.P7 prospectus issued for State Eligibility Test-June-2013 stipulates that those who have acquired Master's Degree in the concerned subject in II Class with not less than 50% marks and B.Ed. Degree in any discipline from any one of the Universities in Kerala or have acquired these qualifications from any other University recognized as equivalent thereto are eligible to apply for the SET June-2013. In view of Ext.P6 Equivalency Certificate obtained by another candidate, the petitioner submitted an application dated 30.7.2014 (Tapal No.6291 dated 30.7.2014) before the Registrar of the University. The said application was followed by Ext.P8 representation dated 6.12.2014, requesting the respondent University to grant Equivalency Certificate for the P.G. Degree obtained by the petitioner. It is aggrieved by the delay in disposal of her application, the petitioner has approached this Court in this Writ Petition seeking a writ of mandamus commanding the respondent University to issue an Equivalency Certificate in tune with Ext.P6 certificate, certifying that degree of Master of Science in Biotechnology conducted by the Periyar University is recognized as equivalent to the Masters Degree of Science in Zoology of the

respondent University. The petitioner has also sought for a writ of mandamus commanding the respondent University to consider Ext.P8 representation in accordance with law and to take appropriate action within a reasonable time that may be fixed by this Court.

4. A counter affidavit has been filed on behalf of the respondent University stating that the M.Sc. Biotechnology degree of Mahatma Gandhi University has been equated with its M.Sc. Zoology degree for employment to the post of HSST through the Kerala Public Service Commission. But Mahatma Gandhi University has not recognized the M.Sc. Biotechnology Degree of Periyar University as equivalent to M.Sc. Zoology degree of Mahatma Gandhi University. Ext.P6 shows recognition of M.Sc. Biotechnology degree of Mahatma Gandhi University as equivalent to its own M.Sc. Zoology degree. This does not warrant M.G.University to recognize M.Sc. Biotechnology degree of Periyar University or any other University as equivalent to its M.Sc. Zoology degree due to academic reasons. The respondent University would contend that, as per Section 25 (xii) Chapter 4 of the M.G.University Act, 1985 the Academic Council is the competent body to grant first time recognition to a

course of another University. This requires an elaborate procedure and that the petitioner has not even submitted the application with necessary documents in this regard. Therefore the respondent would contend that claim for recognition of M.Sc. Biotechnology Degree which she had secured from the Periyar University as equivalent to M.Sc. Zoology Degree of M.G.University is not at all maintainable.

5. Subsequent to the filing of the counter affidavit the petitioner has produced as Ext.P9 a copy of the letter dated nil submitted before the Registrar of respondent University enclosing therewith the syllabus of M.Sc. Biotechnology of Periyar University, duly attested by the Registrar of that University and other relevant documents. Along with the aforesaid representation the petitioner has also enclosed the online challan receipt for ₹300/-. In the affidavit accompanying I.A.No.10646 of 2015, the petitioner has also stated that, she had preferred an application in the prescribed format for Equivalency Certificate before the respondent University and the requisite fee of ₹300/- was remitted as per Challan No.0201-2015-69811 dated 17.6.2015 in favour of the Registrar of

the respondent University, online and that the remittance was made in the Janaseva Kendra, Kadappakada.

6. I heard the arguments of the learned counsel for the petitioner and also the learned Standing Counsel for the University.

7. The learned Standing Counsel for the University would submit that, if the petitioner has made a proper application before the University with supporting documents, after remitting the requisite fee, the University shall consider the same and pass appropriate orders thereon in accordance with law.

8. In such circumstances, without going into the merits of the rival contentions, this Writ Petition is disposed of directing the respondent University to consider the application made by the petitioner for Equivalency Certificate for the M.Sc. degree in Biotechnology of Periyar University as equivalent to M.Sc. Zoology degree of the respondent University and pass appropriate orders thereon after placing the matter before the Academic Council in terms of Section 25 (xii) Chapter 4 of the M.G.University Act, 1985 and pass orders within a period of three months from the date of receipt of a certified copy of this judgment. It is made clear that, if

the application already submitted by the petitioner is either defective or lacking any relevant materials, it would be open to the respondent University to intimate the same to the petitioner so as to enable her to cure those defects.

Sd/-

ANIL K.NARENDRA, JUDGE

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