

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.02.2015

CORAM

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE

AND

The Hon'ble MR.JUSTICE M.M.SUNDRESH

W.P.No.13779 of 2011

S.Sathia Chandran Petitioner

-vs-

1. The Registrar,
Tamilnadu Open University,
No.577, Anna Salai,
Saidapet,
Chennai-600 015.
2. The State of Tamilnadu,
rep. by the Secretary to Government,
Higher Education Department,
Chennai-9.
3. The Distance Education Council,
New Delhi.
(Respondents 2 and 3 impleaded as per
order dt. 15.6.2011)
4. Union of India,
rep. by its Secretary to Government,
Ministry of Human Resources Development,
Department of Secondary & Higher Education,
Shastri Bhavan, New Delhi-110 001.
5. The University Grants Commission,
Bahadur Shah Zafar Marg,
New Delhi-110 002. Respondents

(Respondents 4 and 5 impleaded as per
order in M.P.No.4/2011 dt. 8.10.2012)

Petition under Article 226 of the Constitution of India praying for issue of Writ of Declaration declaring that the course in Bachelor Preparatory Programme offered by the first respondent-University in its admission notification for the calendar year 2011 as appeared in "the Hindu" dated 29.5.2011 as ultra vires of G.O.Ms.No.107 of the Personnel and Administrative Reforms (M) Department, dated 18.08.2009 and upheld by this Court in W.P.No.18729 of 2010 dated 10.02.2011 and clause 2 of the UGC Regulations of 1985 regarding the Minimum Standards of Instructions for the Grant of First Degree through Non-formal/Distance Education dated 25th November, 1985 made under Section 26(1)(f) of the University Grants Commission Act, 1956.

For Petitioner : Mr.S.Sathia Chandran
(Petitioner-in-person)

For Respondents : Mr.V.R.Kamalanathan
Addl. Government Pleader for R2
Mr.P.R.Gopinathan for R3 & R5
No Appearance for R1 & R4

O R D E R

(Order of the Court was made by The Hon'ble Chief Justice)

The petitioner appearing in person submits that his concern is, the persons seeking a Degree by distance education from the first respondent (which has the sole authority to carry out the education by distance mode), who have not passed 10 plus 2 of main stream examinations, must be made fully aware that their qualification will not entitle them to employment in the Government or for promotion. In this behalf, G.O.Ms.No.107, Personnel and Administrative Reforms (M), Department, dated 18.8.2009 has already been issued, in view of the University Grants Commission Regulations, 1985 regarding minimum standard of education for grant of First Degree through Non-formal/Distance Education dated 25.11.1985. Clause 2 of the University Grants Commission Regulations, 1985 reads as under:-

"2.Admission/Students:

- (1)No student shall be eligible for admission to the 1st Degree Course through non-formal/distance education unless he has successfully completed 12 years schooling through an examination conducted by a Board/University. In case there is no previous academic record, he shall be eligible

for admission if he has passed an entrance test conducted by the University provided that he is not below the age of 21 years on July 1 of the year of admission.

(2) No student shall be eligible for the award of the first degree unless he has successfully completed a three year course may be called the B.A./B.Sc./B.Com. (General Honours/Special) degree as the case may be."

2. It is, thus, agreed that in all future prospectus issued by the first respondent, this aspect would be specifically provided for, so that the students seeking admission are aware of the aforesaid.

3. Writ petition, accordingly, stands disposed of. No costs.

Sd/-
Asst. Registrar

/true copy/

Sub Asst. Registrar.

BBR

To

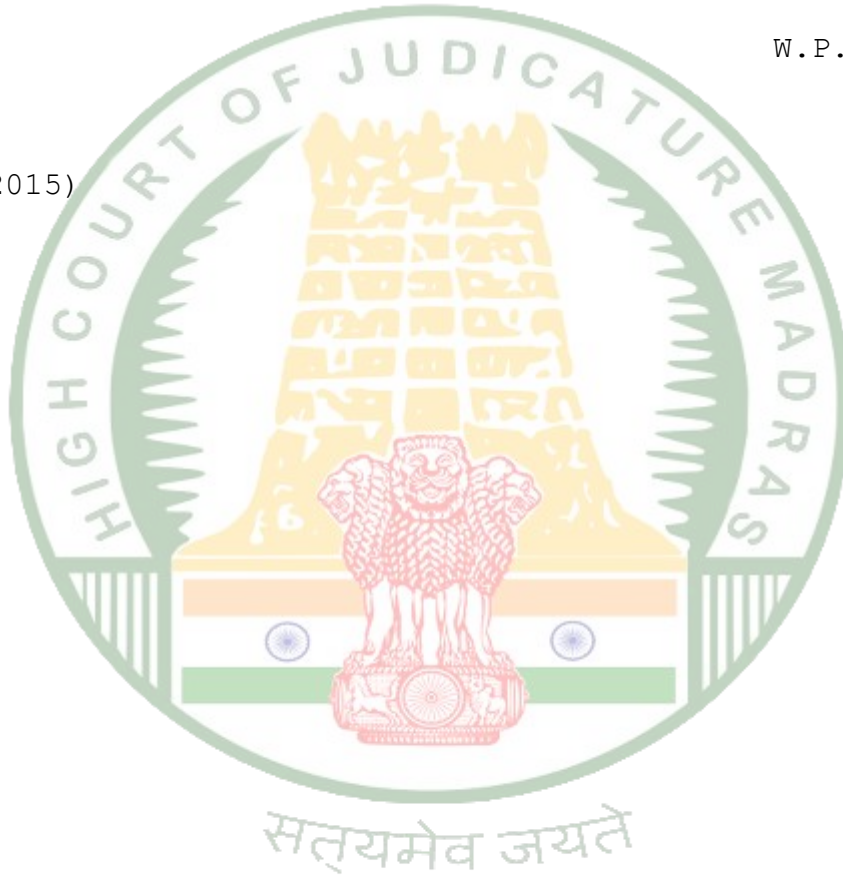
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Department of Secondary & Higher Education,
Shastri Bhavan, New Delhi-110 001.

5. The University Grants Commission,
Bahadur Shah Zafar Marg,
New Delhi-110 002.

+1cc to Mr.S.Sathia Chandran, Advocate, S.R.No.10633
+1cc to Mr.P.R.Gopinath, Advocate, S.R.No.11094
+1cc to Mr.D.Krishna Kumar, Advocate, S.R.No.10713
+1cc to the Government Pleader, S.R.No.10344

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CA(09/03/2015)



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