

HON'BLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.18575 of 2008

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ORDER:

The present writ petition is filed under Article 226 of the Constitution of India, with a direction to the respondents, to issue the Original Provisional Certificate, M.C.A., Decree and Rank Card of the petitioner.

2. Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondents apart from perusing the material available before the Court.

3. According to the petitioner, he completed B.Sc., Computer in the year 2001 from Bhartiya Shiksha Parishad, Utter Pradesh, and after completing the said course, he applied for post-graduation course offered by the Centre for Distance Education of the respondent university. It is further pleaded that the petitioner herein appeared for eligibility test and secured 99th rank in the said test. It is also the case of the petitioner herein that he successfully completed three years M.C.A Course in the year 2006 and in order to demonstrate the same, marks memos for the three years are enclosed with the present writ petition.

4. It is the grievance of the petitioner herein that despite completion of the course, the respondents herein are not issuing the Original Provisional Certificate, M.C.A Decree and Rank Card of the petitioner herein without any reasonable cause.

5 . A counter affidavit is filed on behalf of the respondents herein stating that Bharatiya Shiksha Parishad, Lucknow is not a recognized institution.

6. The petitioner herein has placed on record the proceedings of the University Grants Commission No.F-2-2/91 (MPC) dated 24.10.2005, which reads as under:

“With reference to your letter No.150/2006 dated 5th August 2005 on the subject cited above, I am decided to inform that the matter is subjudice keeping in view of court order, the name of Bhartiya Shiksha Parishad; Luknow has been deleted from the list of fake universities of the UGC website (copy enclosed).”

7. While referring to the above said order dated 24.10.2005 of the University Grants

Commission, it is submitted by the learned counsel for the petitioner that in view of the above there is absolutely no justification on the part of the respondent authorities in not issuing the certificate as sought in the writ petition. It is also contended that as the petitioner herein has completed three years Course in M.C.A and got through all the papers, it is not proper on the respondents herein to keep the certificates with them. This Court finds sufficient justification and force in the said contentions advanced by the learned counsel for the petitioners herein.

8 .For the aforesaid reasons, the writ petition is disposed of, directing the respondents herein to issue the Original Provisional Certificate, M.C.A., Decree and Rank Card to the petitioner herein, within a period of two months from today. Pending Miscellaneous Petitions, if any, shall stand disposed of. No order as to costs.

A.V.SESHA SAI, J

Date:13.04.2015

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Between:

Qazi Mohd.Ehsanullah,

S/o Qazi Mohd.Ahemadullah,

Age 29 years, Occ: Private Service,

R/o. H.No.20-3-123/5/B/1, Shibli Gunj Hussaini Alam,

Hyderabad.

... Petitioner

and

The Director of Centre for Distance

Education Shri Krishna Deveraya University,

Ananthapur and another.

... Respondents

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