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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 1994/2015 & CM 3571/2015**

RAJ KUMAR

..... Petitioner

versus

INDIRA GANDHI NATIONAL OPEN
UNIVERSITY & ANR

..... Respondents

Through

+ **W.P.(C) 1997/2015 & CM 3574/2015**

ANJALI

..... Petitioner

versus

INDIRA GANDHI NATIONAL OPEN
UNIVERSITY AND ANR.

..... Respondents

Pr: Mr Saurabh Bameejee and Mr Sumit Nagpal, Advocates for
respondents in item Nos. 67 & 68.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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29.05.2015

These petitions were passed over awaiting the appearance on behalf of the petitioners. However, none appears for the petitioners on the second call also.

The petitioners are aggrieved as they have been denied admission by the respondent University (hereafter 'IGNOU') to the Bachelor Course in the academic session commencing in 2015.

IGNOU had invited applications for a two year course of Bachelor of Education (B.Ed.) for the session 2015-17. The petitioners appeared and qualified in the written entrance test and were thereafter called for counselling. However, the petitioners were denied admission on the ground

that they had obtained the qualifying degree from an “Off Campus” centre. The petitioners have completed their course of Bachelor of Arts (BA) through a distant education programme conducted by “Dakshina Bharat Hindi Prachar Sabha Madras” (hereafter ‘the Sabha’).

The Sabha was established in the year 1918 by Mahatma Gandhi to propagate Hindi in South India. By virtue of “The Dakshina Bharat Hindi Prachar Sabha Act, 1964” the Sabha was declared as an Institution of National Importance. The head office of the Sabha is situated at Chennai and by virtue of Section 22(1) of the University Grants Commission Act, the Sabha is empowered to hold examination and award degrees, diplomas and certificates for proficiency in Hindi.

The petitioners, therefore, contend that the degree of B.A. conferred on them by the Sabha is a recognized qualification and would entitle them to take admission in the B.Ed course conducted by IGNOU.

According to the respondents, the petitioners are ineligible for being admitted to the B.Ed Course as they have acquired their degrees from an ‘Off Campus’ centre which was outside the territorial jurisdiction of the State. The learned counsel for the respondent referred to the University’s Handbook 2014 published by the ‘Association of Indian Universities’, which indicates that the jurisdiction of the Sabha extends to only four Centres of Post Graduate studies in Hindi in the four southern states of India—Tamilnadu (Chennai), Andhra Pradesh, (Hyderabad), Kerala (Ernakulam) and Karnataka (Dharwad). It is contended that as the petitioners did not acquire the degrees by undertaking a course in any of the aforesaid four centres, their degrees would not be recognized for the purposes of admission.

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The learned counsel for the IGNOU also referred to “APPLICATION FORM AND GUIDE FOR APPLICANTS FOR BACHELOR OF EDUCATION (B.Ed.)” (hereafter ‘the Guide’) published by IGNOU and drew the attention of this Court to Article 2.5 of the said document which reads as under:-

2.5 VALIDITY OF Degree for Admission

2.5.1 Master’s Degree awarded without a first degree is not recognised for purposes of admission to IGNOU’s Academic Programmes.

2.5.2 Similarly, degrees acquired from an ‘Off Campus’ Centre of Private Universities outside the territorial jurisdiction of the concerned State is also not recognized for purposes of admission to IGNOU’s academic programmes unless it has specific approval of the Distance Education Council.

2.5.3 Bachelor’s Degree means, Bachelor’s Degree of not less than 3 year duration.

2.5.4 IGNOU also accepts First degree of 2 year duration obtained from a recognised university completed up to the year 1998-99 for purpose of higher studies; provided such students have undergone a further one year bridge course and passed the same to be in conformity with UGC Regulations.

In the aforesaid circumstances, the controversy to be addressed is whether the degree obtained by the petitioners comply with the eligibility criteria as published by IGNOU. According to the petitioners, their degree is a valid degree and is duly recognized. It was contended that since the Sabha is recognized as an institute of National importance and its degrees are recognized, the admission of the petitioners could not be denied only on the ground that their degrees had been obtained from an ‘Off Campus’ centre. It was further contended by the petitioners that their degrees are approved by

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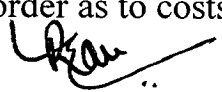
the Distant Education Council and thus the petitioners are not rendered ineligible by virtue of clause 2.5.2 of the Guide.

However, it is not disputed that the duration of the course undertaken by the petitioners which led to award of the degree was only two years and thus by virtue of clause 2.5.3 of the Guide, the petitioners degree would not qualify them for being eligible for admission to the course of B.Ed. course. Clause 2.5.3 of the Guide expressly provides that the Bachelor's Degree would mean a Bachelor's Degree of not less than three years duration.

On 25.05.2015, the learned counsel for the petitioners had advanced arguments with respect to the applicability of clause 2.5.2 of the Guide, however, he could not dispute that by virtue of Clause 2.5.3 of the Guide, the petitioners would be ineligible for being admitted to the course in question. In the circumstances, the learned counsel had sought time to seek instructions in this regard but he has not appeared today.

It is apparent that the degree obtained by the petitioners cannot be considered as a Bachelor's Degree in terms of clause 2.5.3 of the Guide since the duration of the course undertaken by the petitioners is only two years and not three years as required. In view of the aforesaid, it is not necessary to decide the question whether the degree obtained by the petitioners is a recognized qualification and does not fall foul of clause 2.5.2 of the guide as alleged.

Accordingly, the petitions are dismissed. No order as to costs.


VIBHU BAKHRU, J

MAY 29, 2015

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