

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY
AND
THE HON'BLE SRI JUSTICE M.S.K.JAISWAL

WRIT PETITION No.23210 of 2016

Dated: 11.03.2016

Between:

The Commissioner of Intermediate Education,
Andhra Pradesh, Hyderabad,
and others.

.. Petitioners

And

D.V.V.Nageswara Rao Reddy
and others.

.. Respondents

Counsel for the Petitioners: Government Pleader for Services (A.P)

Counsel for Respondent No.1: Mr. M.R.Tagore

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This Court made the following:

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ORDER: (Per Hon'ble Sri Justice C.V. Nagarjuna Reddy)

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At the interlocutory stage, this writ petition is heard and disposed of with the consent of the learned counsel for the parties.

The respondents have been working as non-teaching staff in different Government Junior Colleges of East and West Godavari Districts respectively. Under G.O.Ms.No.223 Higher Education (IE.I.A1) Department, dated 18.09.2008, a quota of 10% was prescribed in favour of non-teaching staff for promotion to the post of Junior Lecturers, and under G.O.Ms.No.58 Higher Education (IE.I.A1) Department, dated 13.07.2009, a cycle for 10 vacancies was prescribed with eligible candidates i.e., Typists/ Junior Assistants/ Senior Assistants/ Superintendents etc. One of the qualifications prescribed for promotion as Junior Lecturer was P.G. Degree. The respondents have obtained P.G qualification from Madurai Kamaraj University, Madurai, through distance mode between the years 2002 and 2012. Their claim for consideration for promotion was rejected by the petitioners on the sole ground that the P.G. certificates issued by Madurai Kamaraj University in favour of the respondents cannot be treated as legal and valid. Feeling aggrieved by the same, the respondents have approached the A.P. Administrative Tribunal, Hyderabad (for short 'the Tribunal'). By the impugned order, dated 28.04.2015, the Tribunal has allowed the O.As with the observations that Madurai Kamaraj University is a State University and, as per the clarification issued vide UGC letter, dated 22.09.2014, Institutional Recognition was accorded to the said University by UGC for one academic year i.e., for 2007-08 to offer programmes through distance mode. The Tribunal has, accordingly, set aside the rejection orders with a direction to the petitioners to consider the case of the respondents for promotion to the post of Junior Lecturers in 10% quota of non-teaching staff in their respective zones in the existing

vacancies, keeping in view the UGC instructions, dated 22.09.2014, and also the letter, dated 01.11.2014, of the A.P. State Council of Higher Education and pass appropriate orders.

At the hearing, the learned Government Pleader for Services (A.P.), while not disputing the fact that the UGC, in the above-mentioned notification, dated 22.09.2014, has clarified that Institutional Recognition for academic year 2007-08 to offer programmes through distance mode, was accorded to Madurai Kamaraj University, however, stated that this clarification shall be understood in the light of the last para of the said notification, which reads as under:

“The qualifications obtained by candidates may be treated valid provided that the admissions are taken to the concerned universities during the period of valid recognition and the universities have followed the prescribed territorial jurisdiction at that point of time.”

(Emphasis is ours)

The learned Government Pleader submitted that in the above reproduced para of the said notification, the words “provided that the admissions are taken to the concerned universities during the period of valid recognition and the universities have followed the prescribed territorial jurisdiction at that point of time” necessarily mean that the territorial jurisdiction has to be ascertained with reference to the provisions of the Universities Act under which no University can impart education through distance mode in respect of the persons residing in the areas outside the State in which the University is situated and that as Madurai Kamaraj University is situated within the State of Tamil Nadu, the respondents, who are the natives of the State of A.P., were not entitled to pursue the distance mode education and, accordingly,

the certificates issued to them cannot be deemed as valid.

In our opinion, the above quoted paragraph of the UGC needs clarification. While dealing with Madurai Kamaraj University, the UGC in its notification, dated 22.09.2014, has not indicated any restriction regarding the distance mode education based on the territorial jurisdiction. It has clearly mentioned that it has accorded Institutional Recognition for one academic year 2007-08. However, the last para reproduced above appears to create some confusion as to what was the territorial jurisdiction of the said University at the point of time when Institutional Recognition was issued. In our opinion, this has to be necessarily clarified by the UGC. Since the Tribunal has directed the petitioners to re-consider the case of the respondents, no prejudice is caused to the petitioners if such re-consideration is made in the light of the above-mentioned notification dated 22.09.2014 of the UGC. In the process of re-consideration, the petitioners, if necessary, can seek clarification from the UGC as to whether it has recognized the certificates issued by Madurai Kamaraj University to the persons residing outside the State of Tamil Nadu during various years commencing from 2006-07. Depending upon the clarification of the UGC, the petitioners shall decide as to whether the certificates obtained by the respondents shall be treated as valid or not. The petitioners shall complete this exercise within three months from the date of receipt of this order.

Subject to the above directions and observations, this Writ Petition is disposed of.

As a sequel to disposal of the writ petition, WPMP.Nos.30063 of 2015 & WVMP.No.289 of 2016 stand disposed of as infructuous.

C.V.NAGARJUNA REDDY,J

M.S.K.JAISWAL,J

11.03.2016
v v