

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CWP No.17331 of 2015
Decided on :02.09.2016**

Hardeep Kaur

... Petitioner

Versus

Punjabi University, Patiala and others

... Respondents

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present : Ms. Savita, Advocate for the petitioner.

Mr. Vishal Khatri, Advocate for
Mr. Vipul Jindal, Advocate for respondents No.1 to 3.

Mr. Tarunvir Singh Lehal, Advocate
for respondent No.4-UGC.

G.S. Sandhawalia, J. (Oral)

The petitioner seeks admission in Ph.D (Botany) as per the rules and information given in the handbook of information for the admission of Ph.D in Punjabi University, Patiala.

The response of the respondent-University is that the petitioner stated herself to be a Post-Graduate in Botany i.e. M.Sc. (Botany) from Vinayaka Missions University, Salem, Tamilnadu. The aforesaid University did not exist in the list of Universities recognized by the UGC. The certificate, thus, was held to be from an un-recognized University. M.Sc. Botany was not included in the Distance Mode Education Post-Graduate Degree as per the DEC authorization and resultantly the petitioner was considered ineligible for consideration for admission to the Ph.D Degree.

The University Grants Commission (UGC) was impleaded as respondent No.4 vide order dated 04.11.2015, in view of the respondent-

University taking the said stance. Affidavit has now been filed by the UGC, clarifying that the petitioner had joined the M.Sc. Botany course in February, 2012 with the aforesaid University and the University was not granted institutional recognition after 2011 and programme wise recognition was granted. The said course of M.Sc. Botany did not find mention in the said recognition. The degree which had been granted by the deemed University as M.Sc. Botany, could not be granted qua the impugned subject during the period of institutional recognition. The relevant portion of the affidavit reads as under:-

“6. That it would be pertinent to mention here, that as per Annexure P-2 i.e. the Admission Form, the Detailed Mark Sheet attached with the Form shows that the petitioner joined the Course i.e. M.Sc. Botany in Feb 2012, but the University after the 2011 session was not granted institutional recognition and after 2011, programme wise recognition was granted in which M.Sc. Botany does not find a mention. Thus the Degree for M.Sc. Botany, which has been granted to the petitioner by the deemed University, could not be granted, as it did not have recognition qua the impugned subject. That during the period of institutional recognition, the University was required to offer programmes approved by the statutory bodies of the University and after seeking approval of the concerned regulatory bodies, wherever required, which was not done.

7. Thus answering the question of this Hon'ble Court, the institute mentioned in the writ petition and the institute mentioned in Annexure R-1 is the same institute but the institute did not have the recognition to grant a Degree in M.Sc. Botany to the petitioner, as it did not have the prior approval of the University Grants Commission or the erstwhile Distance Education Council.”

Keeping in view the abovesaid stand taken by the UGC, no fault can be found in the action of the respondent-University in denying the admission to the petitioner. Resultantly, the present writ petition is dismissed.

It is always open to the petitioner to take recourse to her other legal remedies for compensation, in case so desired against the said institution.

SEPTEMBER 02, 2016
Naveen

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No