

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

**CM-15297-CWP-2015 in/and
CWP No.8743 of 2015
Decided on :26.07.2016**

Haryana Institute of Technology & Management

... Petitioner

Versus

EIILM University and others

... Respondent

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

Present : Mr. Ashok Kaushik, Advocate
for the applicant-petitioner.

G.S. Sandhawalia, J. (Oral)

CM-15297-CWP-2015

Application for restoration of the main case, which was dismissed for want of prosecution on 09.10.2015, has been filed.

In view of the averments made in the application, the same is allowed and order dated 09.10.2015 is recalled. The case is restored to its original number and taken up on Board today itself.

CM stands disposed of.

Main case

The petitioner-Institute seeks direction against the respondent No.1-EIILM University, Sikkim to issue statement of marks of respondent No.3, one of its student. Further direction is also sought to issue the statement of marks of all the students enrolled through the petitioner with the said respondent and that result should also be declared and certificates should be provided by the said respondent-University.

The petitioner claims that the said University has been

established by an act of State Legislature and is empowered to award degrees as specified by the UGC under Section 22 of the UGC, 1956 with approval of the Statutory Councils.

It is the case of the petitioner-Institute that it had become the information center of the respondent-University for assisting the University in conducting Collaborative Industry Based Education Programme to promote the cause of education. Students had been enrolled for various courses of the University and forms had been filled by the students and sent alongwith the requisite fee. The admissions were taken and examinations were conducted and, accordingly, prayer has been made for issuance of the detailed mark-sheets and certificates etc. from session 2009-12. It is submitted that the University is not communicating and has not supplied necessary documents of various students.

This Court in ***CWP No.8062 of 2014 'Devki Nandan and another Vs. Kurukshetra University, Kurukshetra and others'*** decided on 17.12.2015 has discussed about the status of the respondent-University. One of the question which arose for consideration was whether the said University was competent to issue degrees by way of distant mode and whether the students had studied and attended classes by way of regular mode. The relevant question which was subject matter of consideration reads as under:-

“Whether the EIILM University was competent to issue degrees of the qualifying examination by way of distant mode since admittedly, the

petitioners have failed to show or place any material on record that they had attended classes and studied by way of regular mode?”

It was, accordingly, noticed that keeping in view the stand of the Union of India and UGC that the said University had only been authorized to offer the following courses for one academic year i.e. 2009-10 through distant mode:-

“(i) B.A. (Hospitality and Tourism)

(ii) Bachelor in Computers Application (BCA)

(iii) Masters in Business Administration (MBA)

It was also noticed that no permission had been granted to conduct any distant education mode outside the State of Sikkim. Resultantly, the students who had sought admission in the University of Kurukshetra were held not entitled to place any reliance upon the said degrees, as they had failed to show that they had studied by way of regular mode within the State of Sikkim and were admittedly residents of the State of Haryana. The finding recorded was that the said University has no jurisdiction or competence to issue the certificate by way of distant mode and the decision of the University was accordingly upheld.

The relevant portion reads as under:-

“Thus, in view of the above discussion, this Court comes to the conclusion that the degrees which have been issued to the petitioners are by way of distant mode which, the EIILM university had no jurisdiction or competence to issue. The petitioners having failed to bring to the notice of the University any material or evidence that they had studied the said courses within the State of Sikkim cannot now urge that they are entitled for the benefit of the said degrees, on the basis of which, they are wanting to pursue further studies. The decision of the University

to deny them the continuation of the courses and declaration of results is, thus, justified.”

As noticed, it is admitted case of the petitioner itself that the students were enrolled at Faridabad and the examination forms sent to the University, which was not authorized to offer the students distance education outside the jurisdiction of the State.

In such circumstances, no direction can be issued which the petitioner is claiming, accordingly, the present writ petition is dismissed in limine.

JULY 26, 2016
Naveen

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No