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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 4362/2015**
RICHA DHAWAN

..... Petitioner

Through Ms.Richa Dhawan, Advocate.

versus

GURU GOBIND SINGH INDRAPRASTHA UNIVERSITY & ORS.

..... Respondents

Through Dr.Vikrant Narayan Vasudeva,
Advocate for R-1 and R-2.
Mr.V.Sundeer, Advocate for
R-3/UGC.
Mr.Umesh Joshi, Advocate for R-4.

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

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21.08.2017

Petitioner is a law graduate. She is presently a practicing lawyer. After her school she had joined LL.B Course with the respondent no.1 University (Guru Gobind Singh Indraprastha University). She has been awarded a decree of LL.B.(Hons.) Her prayer in the petition is that since her course was a 5 years integrated course she had to be awarded the degree of B.A. LL.B.(Hons).

Guru Gobind Singh Indraprastha University has been arrayed as respondent no.1. Respondent no.2 is University School of law and Legal Studies. Respondent no.3 is the University Grants Commission and respondent no.4 is Bar Council of India. The stand of respondent nos.1 and 2 is that the petitioner cannot be granted a degree of B.A.LL.B (Hons) i.e. the nomenclature which she is pressing, as this

is not statutorily approved for a programme in study of law. For the academic sessions 2007-2012, there was no programme of study with such nomenclature. It has been laid down in Section 22 of the University Grants Commission Act and in the letter of UGC dated 10.7.2014 that a degree can be granted only for that course which is approved by the Central Government. It is pointed out that the admission slip issued to the petitioner at the time of her admission in 2007 clearly mentions that she would be awarded B.A. LL.B. degree. She cannot be granted an honours degree

Stand of respondent no.3 is that the respondent no.1 University has been set up under Section 22 of the University Grants Commission Act, 1956 as a State University with the approval of the Statute. Under Section 22 of the UGC Act no University can confer a degree in violation of the provisions of the UGC notification and not approved by the UGC. What could be awarded to the petitioner in the present case is a B.A.LLB only for her 5 year integrated course. It was B.A.LL.B which was the specified degree till the notification of the revised list of UGC specified degrees was issued in July 2014. The University can award a B.A. LL.B degree to the petitioner.

The stand of respondent no.4 is that since the petitioner had got her admission for the Academic Session 2007-12 and prior to 2009 there was no such rule which had specified the nomenclature of the degree which could be awarded; the nomenclature of the degree is the prerogative of respondent no.1 alone.

In rejoinder, the learned counsel for petitioner points out that as per the Prospectus of respondent no.1 she had been informed that the

degree which would be granted to the petitioner for her 5 year integrated course would be that of B.A.LL.B (Hons.); the prospectus is binding upon respondent no.1 and respondent no.1 cannot now shift its stand. She is entitled to a B.A.LLB (Hons.) degree.

At the outset, learned counsel for respondent no.1,2 and 4 have jointly proposed to the petitioner that she could be awarded a degree of B.A.LL.B for her 5 years course which she had completed from respondent no.1 during the academic session 2007-12. Petitioner is however not agreeable to this proposal. She seeks an honours degree as well.

Record shows that the petitioner completed her 5 years course in the academic session 2007-12. Admittedly, at that point of time the prospectus of respondent no.1 had offered her this course as an integrated 5 years course entitling her to a B.A.LLB (Hons) degree. Her additional submission that other Universities like Aligarh Muslim University were also granting such like degrees to such persons who had qualified in those years is also noted.

The stand of respondent nos.1,2 and 4 is categorical. The stand of respondent no.4 is that under Section 22(3) of the UGC Act an "Honours Degree" which is not recognized by the UGC cannot be granted to an individual for the 5 year integrated course. Petitioner is entitled to a B.A.LL.B; Hons. is not a nomenclature which can be added to the degree. The stand of respondent nos.1 and 2 is also similar.

Respondent nos.1 and 2 admitted that in their Prospectus they had stated that for a 5 year integrated Law course a candidate is

entitled to B.A.LL.B (Hons.) degree. This was due to an oversight and mistake; the other Universities have also granted such degrees due to an oversight and mistake; such a degree is outside the ambit of the UGC Act.

At this stage it would be relevant to extract the provisions of Section 22 of the said Act. It reads as under:

22. Right to confer degree.

(1) The right of conferring or granting degrees shall be exercised only by a University established or incorporated by or under a Central Act, a provincial Act or a State Act or an institution deemed to be a University under Section 3 or an institution specially empowered by an Act of Parliament to confer or grant degrees.

(2) For the purposes of this section, “degree means any such degree as may, with the previous approval of the Central Government, be specified in this behalf by the Commission by notification in the Official Gazette.”

Section 22 of the said Act is mandatory. It is binding upon all the Universities. A degree can be granted only within the framework of Section 22 of the said Act.

All the Universities including respondent no.1 had to adhere to the approved nomenclature of the degrees and ensure the observance of the minimum standards of instructions while awarding a degree. The UGC Notification No.F.1-5297 (CPP-II) dated 31.01.2004 specifies that any degree awarded in contravention of the said notification shall be deemed to be an unspecified degree and shall be

declared as such by the UGC. No University can confer a degree not specified by the UGC under Section 22(3) of the UGC Act. At Item 27 of the UGC Notification F.1-10/2004 (CPP-II) dated 23.5.2009 for a 5 years integrated course what can be awarded is a B.A. LL.B degree. Copy of the aforementioned notification dated 23.5.2009 has been annexed as Annexure R-1 to the counter affidavit of respondent no.3.

The B.A.LL.B. (Hons.) was a non-specified degree till the notification of the revised list of the UGC specified degrees which was revised in July, 2014. The petitioner was admitted to B.A.LL.B. (5 years integrated course) in the year 2007. She obtained her degree in 2012.

The degree which can thus be awarded to the petitioner is a B.A.LL.B. All Universities are bound by this statutory notification. Respondent no.1 has also admitted that the mistake committed by them in their Prospectus was modified at the time of admission when the petitioner had taken her admission. Her admission slip clearly reflected that her 5 year course would entitle her to a B.A.LL.B and not a B.A.LL.B (Hons.).

Nothing else really remains in this petition. In fact the exercise appears to be wholly academic. A question had been put to the petitioner as to how it would make a difference if “Honours” is written in the degree along with B.A.LL.B. She has no answer. Admittedly, a 5 year integrated course is not a specialised course in any subject. An “Honours” course is a special branch of study it is more intensive. A 5 year integrated course is a general study of various subjects. The UGC does not recognize “Honours” along with

BA.LL.B.

The petition of the petitioner must necessarily fail in terms of her prayer which is a prayer for grant of a B.A.LL.B. (Honours). What can be granted is only a B.A.LL.B. degree. Accordingly on an application to be filed by the petitioner (within three weeks from today), respondent No. 1 will grant her a B.A.L.L.B degree.

No further orders are called for in this petition.

INDERMEET KAUR, J

AUGUST 21, 2017

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