

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.718 of 2009

-
1. Raja Ram Rajkar S/o Late Hari Nayaran Yadav R/o Vill-Chakmaka,P.O. Chakmaka,P.S. Jankinagar,Distt.-Purnea
 2. Lalan Kumar Rana S/o Late Saryug Das R/o Vill-Dhurebilaf,P.O.-Chakmaka,P.S.-Jankinagar,Distt.-Purnea
 3. Vidyanand Yadav S/o Sri Bindeshwari Pd. Yadav R.O Vill-Madheli Bazar,P.O.-Shankarapur,Distt.-Madhepura
 4. Suresh Prasad Yadav S/o Late Ravi Prasad Yadav R/o Vill-Dhurbilaf,P.O.-Chakmaka,P.S.Jankinagar,Distt.-Purnea
 5. Laxman Kumar S/o Sri Mukhi Sah R/o Vill-Besadh,P.O.-Besadh,P.S.-Kumakhand,Distt.-Madhepura
 6. Anant Kumar Das S/o Late Mahavir Das R/o Vill-Dhurbilaf,P.S. Chakmaka,P.S.-Jankinagar,Distt.-Purnea
 7. Bhupendra Prasad Yadav S/o Chet Narayan Yadav R/o Vill-Haripur Kala,P.O.-Haripur Kela,P.S.-Murliganj,Distt.-Madhepura
- Petitioner/s

Versus

1. The State of Bihar through, Secretary,Human Resource Development Department,Patna
2. The Director,Secondary Education, Bihar,Patna
3. The District Superintendent of Education,Bihar,Patna
4. The District Education Officer-cum-President,Distt.Level Cell,Madhepura
5. The University Grant Commission through its Secretary,Bahadur Shah Zafar Marg,New Delhi

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 2655 of 2009

1. Arvind Kumar, Son of Brahamdeo Yadav, resident of Village Jairam Parshi, P.O Chatra, P.S.- Murliganj, District Madhepura.
2. Bal Ram Yadav, son of Ajit Yadat, resident of Village- Sishwa, P.O.- Sukham, P.S.- Murliganj, District- Madhepura.
3. Shiv Nandan Thakur, Son of Sri Gopal Thakur, Resident of Village & P.O. Mokma, Tola Suthania, P.S. Basnahi, District- Saharsa.
4. Surendra Kumar , Son of Kamleshwari Prasad Yadav, Resident of Village Defra, P.O. Ararghat, P.S- Murliganj, District- Madhepura.
5. Gajendra Yadav, Son of Sri Kusheshwar Yadav, resident of Village Defra, P.O. Ararghat, P.S.- Murliganj, District- Madhepura.
6. Anil Kumar, Son of Sitanand Yadav, Resident of Village Babhangama (Mahesh), P.O.- Sukhasan, P.S.- Murliganj, District- Madhepura.
7. Naresh Kumar, Son of Rajeshwar Yadav, Resident of Village- Belokalan, P.S.- Murliganj, District- Madhepura.
8. Nootan @ Nutan Kumari, daughter of Sri Tulsi Prasad Vaidya, Wife of Naresh Kumar, resident of Village Belokalan, P.S.- Murliganj, District- Madhepura.



9. Brahemdeo Thakur, son of Mani Thakur, resident of Village Defra, P.O.- Ararghat, P.S.- Murliganj, District- Madhepura.
10. Amrendra Kumar, Son of Sri Deo Narayan Yadav, Resident of Village & P.O. Barsai, P.S. Banahi, District- Saharsa.
11. Shivendra Kumar, Son of Sir Arjun Prasad, resident of Village Jairam Parshi, P.S.- Murliganj, District Madhepura.
12. Brahemdev Yadav, Son of Shiv Nandan Yadav, resident of Village- Defra, P.O.- Ararghat, P.S.- Murliganj, District- Madhepura.
13. Anil Kumar, Son of Late Rajendra Prasad Yadav, Resident of Village Bisbari, Ward No. 1, P.S. Goalpara, District Madhepura.
14. Dharmender Kumar Yadav, Son of Sri Lal Prasad Yadav, Resident of Village Defra, P.O. Ararghat, P.S- Murliganj, District- Madhepura.
15. Ashok Kumar, Son of Sri Phudan Mandal, resident of Village Paharpur, P.O.- Bhadohi, District- Saharsa.
16. Manoj Kumar, Son of Late Mani Thakur, resident of Village- Defra, P.O.- Ararghat, P.S.- Murliganj, District- Madhepura.
17. Nutan Devi, Wife of Manoj Kumar, resident of Village- Defra, P.O.- Ararghat, P.S.- Murliganj, District- Madhepura.
18. Suresh Sharma, Son of Sri Bindeshwari Sharma, P.O. Bhadahi, District Saharsa.
19. Shree Narayan Prasad Yadav, Son of Naini Lal Yadav, Resident of Village-Bhelahi, P.O. Ratanpatti, P.S. Murliganj, District- Madhepura.
20. Bijendra Kumar, Son of kamleshwari Prasad Yadav, Resident of Village & P.O. Arar, P.S. Murliganj, District-Madhepura.
21. Jai Kumar Kamti, Son of Shiv Narayan Kamti, Resident of Village-Defra, P.O. Ararghat, P.S. murliganj, District Madhepura.
22. Baidyanath Mahto, Son of late Manki Mahto, Resident of Village-Gangaura, P.O. Rahta Chaumukh, P.S. Bihariganj, District Madhepura.
23. Indra Kumar Yadav, Son of Tarani Prasad Yadav, Resident of Village & P.O. Arar, P.S. Murliganj District Madhepura.
24. Shashi Bhushan Prasad, Son of Bindeshwari Prasad Das, Resident of Village & P.O. Ratanpatti P.S. Murliganj, District Madhepura.
25. Mani Kant Mandal, Son of late Gulab Mandal, Resident of Village & P.O. Saraun, P.S. Bihariganj, District Madhepura.
26. Ramadhin Mahto, Son of Bisheshwar Mahto, Resident of Village-Barahi, P.S. Uda Kisunganj, District-Madhepura.
27. Kiran Kumari, Wife of Sri Kamlesh Kumar, Resident of Village & P.O. Nimi, P.S. Sheikhpur, Distict-Sheikhpura.
28. Shiv Nandan Yadav, Son of Chhedi Yadav, Resident of Village & P.O. Sukhasan, P.S. Murliganj, District Madhepura.
29. Vishwanath Sah, Son of Laxman Sah, Resident of Village-Laxmipur, P.S. Bihariganj, District-Madhepura.
30. Santosh Kumar, Son of Sri Sahdeo Singh Resident of Village-Teus, P.S. Jairampur, District Sheikhpura.
31. Parmanand Pandey, Son of Si Jayanand Pandey, Resident of Village-Subhanpur, P.S. Jairampur, Ditriect-Sheikhpura.



32. Birendra Kumar, Son of Radhey Shyam Prasad, Resident of Mohalla Shakaldeo Nagar, Barbigha, P.S. Barbigha, District Sheikhpura.
33. Pramod Kumar, Son of late Ghoghan Singh, Resident of Village-Ramanu Bigha, P.S. Mehus, District Sheikhpura.
34. Suresh Kumar, Son of Brahamdeo Prasad, Resident of Sama Chack, Barbigha, P.S. Barbigha, District-Sheikhpura.

... .. Petitioner/s

Versus

1. The State of Bihar- through the Chief Secretary.
2. Principal Secretary, Human Resources Department, Government of Bihar, Patna.
3. Director, Secondary Education, Government of Bihar, Patna.
4. The University Grant Commission-through its Secretary, Bahadur Shah Zafar Marg, New Delhi.
5. Joint Secretary, The University Grant Commission, Bahadur Shah Zafar Marg, New Delhi.

... .. Respondent/s

Appearance :

(In Civil Writ Jurisdiction Case No. 718 of 2009)

For the Petitioner/s : Mr. Anil Jha, Sr. Advocate
Mr. S.K. Verma, Advocate
Mr. Shailesh Kumar, Advocate
Mr. Altamish, Advocate

For the Respondent/s : Mr. Harish Kumar, G.P.-8
Mr. Alok Kumar Rahi, AC to GP-21

(In Civil Writ Jurisdiction Case No. 2655 of 2009)

For the Petitioner/s : Mr. Harish Kumar, G.P.-8
For the UGC : Mr. Deepak Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT

Date : 22-11-2018

Heard learned counsel for the petitioners and the counsel appearing on behalf of the State.

2. From the previous order, it transpires that the State has maintained dual standard in the matter of grant of recognition of the teachers training degree obtained from Varanshi Sanskrit University, Varanshi.

3. On the previous occasion, Mr. Anil Kumar Jha, learned senior counsel appearing on behalf of the petitioners has



highlighted that not only others but out of the petitioners, respondents have considered the case of some of the petitioners and their qualification of degree from Varanshi Sanskrit University, Varanshi as valid and they have been favoured with appointment but in the case of the petitioners different stand was taken.

4. Mr. Anil Kumar Jha, learned senior counsel for the petitioners has drawn attention of this Court to the order passed by a coordinate bench of this Court in CWJC No. 13980 of 2012 and analogues cases decided on 20.9.2012.

5. The Court dispose of the batch of writ application on 20.9.2012 in the following terms:-

“The common question involved in the batch of writ applications is if the Shiksha Shastri degree stated to be equivalent to B.Ed of the petitioners, from Varanaseya Sanskrit Vishwavidlaya is valid or is the institution unrecognized.

The respondents were directed to produce the original records as the Court wanted to satisfy itself if the respondents had applied their mind to all aspects before taking any such decision. The original record reveals that the decision o the respondents is based on certain information down loaded from the internet coupled with a news item, a hearsay



evidence. The petitioners have also downloaded materials from the Internet to the contrary.

This Court in CWJC No. 13777 of 2012 has already held that information obtained from the Internet may be a good source of knowledge and information to start a debate but cannot be conclusive by itself relying upon observations of the Supreme Court in (2011) 4 SCC 85 (T. V. Venugopal v. Ushodaya Enterprises Limited).

At this stage learned Additional Advocate General No.2 submits that the State may be permitted to examine all aspects of the matter, collect necessary information, and then take a decision in accordance with law.

The Court expects the State to take an expeditious decision in the matter preferably within a maximum period of three- four months from the date of receipt and/or presentation of a copy of this order and act fairly and reasonably in so far as the petitioners be concerned dependent on the final decision that the State may take in the matter.

Needless to state that if the State acted on the basis of Internet information, the petitioners have done no better. Should they desire to furnish additional materials in support of their claim the State is required to consider the same appropriately provided it is



furnished to the state authorities within reasonable time so as not to hinder a final decision without four months.

The writ applications are disposed.”

6. CWJC No. 13986 of 2012 and analogous cases were decided in the absence of conclusive material on the point of validity of the recognition of the degree of Varanasi Sanskrit University, Varanasi.

7. Mr. Jha has submitted with reference to the decision of the Division Bench of the Punjab & Haryana High Court where the issue with regard to validity of the degree of Varanasi Sanskrit University, Varanasi was decided. The Division Bench has held out that the degree is valid. However, that Division Bench has decided the aforesaid issue in the absence of affidavit of the UGC.

8. In the present proceeding, on behalf of the University Grants Commission specific affidavit has been filed detailing therein the scheme of University Grants Commission and the issue of recognition of Varanasi Sanskrit University. The scheme of University Grants Commission Act, 1956. Para-3 to 14 of the aforesaid counter affidavit is clinching on the point and for the purpose of deciding the present writ application it is quoted below:-



“3. That from the averments made in the petition, it appears that petitioners have filed present writ petition for recognition of their B.Ed. Degree obtained from Varanaseya Sanskrit Vishwavidyalaya, Varanasi and for quashing/deleting the Office order as contained in Memo No. 125 dated 19.12.2008 and further for quashing the departmental order as contained in Letter No. 2025 dated 15.12.2008.

4. That the University Grants Commission [hereinafter to be referred as ‘the Commission’] has been constituted under the provisions of the University Grants Commission Act, 1956 [Act No.3 of 1956] which came into force w.e.f. 05.11.1956. The Act was enacted to make provisions for the coordination and determination of standards in the Universities. The Commission under the provisions of the Act, has been entrusted with the duty to take such steps as it may think fit for the promotion and coordination of University education and for the determination and maintenance of standards of teaching, examination and research in Universities. For the said purpose, the Commission has been vested with the power to recommend to any University the measures necessary for improvement of University education and advice the University upon action to be taken for the purpose of implementation of the said recommendations.

5. That the Commission is also authorized to perform such other functions as may



be prescribed or as may be deemed necessary by the Commission for advancing the cause of higher education in India or as may be incidental or conducive to the discharge of its functions.

6. That Section 2 (f) of the University Grants Commission Act, 1956 [hereinafter to be referred as 'the Act'] defines the term "University" as follows:-

"University means a University established or incorporated by or under a Central Act, a provincial Act or a State Act, and includes any such institution as may, in consultation with the University concerned, be recognized by the Commission in accordance with the Regulations made in this behalf under this Act."

7. That section 3 of the Act deals with the Deemed to be Universities. It provides tht the Central Government may, on the advice of the Commission, declare, by notification in the official Gazette, that any institution for higher education, other than a University, shall be deemed to be a university for the purpose of this Act, and on such a declaration being made, all the provisions of this Act shall apply to such institution as if it were a University within the meaning of clause [f] of Section 2 of the Act.

8. That further section 22 [1] of the Act provides that the right of conferring or granting degree 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 u/s 3 or an Institution specially empowered by an Act of Parliament to confer or grant degrees. Further, Section 22 [2] of the act provided that save as provided in sub-section [1], no person or authority shall confer, or grant, or hold himself or itself out as entitled to confer or grant any degree. Further, Section 22[3] of the Act defines the “Degree” for the purpose of “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.

9. That Section 23 & 24 of the Act deals with the prohibition of the use of the word “University” in certain cases and “penaliteis” respectively. Section 23 of the Act provides that no institution whether a corporate body or not, other than a University established or incorporated by or under a Central Act, or Provincial Act or a State Act shall be entitled to have the word “University” associated with its name in any manner whtsoever. Section 24 of the Act deals with the punishment for the contravention of the provisions of Section 22 or Section 23 of the Act. It provides that whoever contravens the provisions of Sections 22 or 23, shall be punishable with fine which may extend to Rs. 1,000/-, and if the persons contravening, is an association or other body of individuals, every member of such association or other body, who



knowingly or willfully authorizes or permits the contravention shall be punishable with fine which may extend to Rs. 1,000/-.

10. That every year, the UGC publishes “Public Notice” in leading Hindi & English Newspapers on list of fake universities maintained by the UGC to caution students/guardians/parents no to seek admission in such fake universities. A photocopy of public notice is enclosed and marked as Annexure-R-5/1.

11. That it is relevant to submit here that the Varanaseya Sanskrit Vishwavidyalaya, Varanasi existed from 1956 to 15.12.1974 and Varanaseya Sanskrit Vishwavidyalaya, Varnasi changed its name as Sampuranand Sanskrit Vishwavidyalaya, Varanasi on 16.12.1974 and Sanskrit Vishwavidyalaya, Varanasi.

12. That after the change of name, UGC has included the name of Varanaseya Sanskrit Vishwavidyalaya, Varanasi on the list of fake universities. In the list of fake universities maintained by UGC name of Varanaseya Sanskrit Vishwavidyalaya, Varanasi is at S. No. 13.

13. That it is further relevant to submit here that State wise UGC list of recognized universities of Uttar Pradesh contains the name of Sampuranand Sanskrit Vishwavidyalaya, Varanasi at S. No.52. A photocopy of State wise UGC list of recognized universities of Uttar Pradesh is enclosed and marked as Annexure-R5/3.



14. That degrees obtained during the period 1956 to 15.12.1974 from Varanaseya Sanskrit Vishwavidyalaya, Varanasi re valid degree whereas degree obtained from 16.12.1974 and onwards in the name of Varanaseya Sanskrit Vishwavidyalaya, Varanasi are fake degrees.”

9. Once the UGC has filed specific affidavit holding that after 16.12.1974 Varanshi Sanskrit University, Varanshi ceases to exist there is absolutely no question of recognition or de-recognition of degree after 16.12.1974.

10 From the affidavit, it appears that Varanshi Sanskrit University, Varanshi has lost its identity after 16.12.1974 when it merged with the Sampurnanad Sanskrit University and after its merger with Sampurnanand University there is absolutely no question of independent identity of Varanshi Sanskrit University, Varanshi and as such after 16.12.1974 any degree issued in the name of Varanshi Sanskrit University, Varanshi is patently forged and fabricated documents and cannot infuse any seal of validity.

11. Noticing the aforesaid fact the Court is constrained to hold that after 16.12.1974 when the then Varanshi Sanskrit University, Varanshi merged with the Sampurnanand Sanskrit University it has lost its independent entity, any degree granted in the name and style of Varanshi Sanskrit University,



Varanshi is not only unauthorized but patently forged and fabricated documents and cannot be relied upon for any purpose.

12. Adverting to the submission of Mr. Anil Kumar Jha, learned senior counsel for the petitioners that similarly circumstanced others are continuing the Court is of the considered view that if the degree is *void ab initio* that cannot be a ground to retain anyone as the State in its activity cannot be allowed to adopt different yardsticks as held out by the Apex Court in **R.D. Shetty's case AIR 1979 SC 1628** where it was held out that State cannot discriminate its citizen even in the matter of distribution of larges and bounty.

13. The Court under the aforesaid circumstances, direct the respondents to fix accountability not only against those who are continuing on the strength of such degree of Varanshi Sanskrit University, Varanshi but those who have appointed the teachers with degree of Varanshi Sanskrit University, Varanshi and allowed such teachers to continue by taking appropriate legal and criminal action as well as disciplinary action against erring officers within a maximum period of four months from the date of receipt/production of a copy of this order.



14. The Court cannot issue any direction as there is no question of equity in the matter of perpetuating illegality.

15. Reference in this regard may be made to the judgment of the Apex Court reported in **2006(3) SCC 330 State of U.P. & Ors. vs. Raj Kumar Sharma & Ors.**

16. With the aforesaid, the batch of writ application stands disposed of.

(Anil Kumar Upadhyay, J)

Ravi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	02.11.2018
Transmission Date	

