

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Writ Petition (S) No. 1737 of 2018**

Smt. Chandan Yadav W/o Umesh Yadav, Aged About 32 Years R/o
Jailpara, Ward No. 7, Sarangarh, Tahsil Sarangarh, District Raigarh
Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Panchayat And Rural Development Department, Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur Chhattisgarh
2. The Commissioner Cum Director, Directorate Of Panchayat, New Raipur Chhattisgarh
3. The Chief Executive Officer, Zila Panchayat, Raigarh, District Raigarh Chhattisgarh
4. Mats University, Through Its Registrar, Aarang, Kharora Highway, Aarang, District Raipur, Chhattisgarh
5. Versha Patel, Posted As Lecturer (Panchayat), Government Higher Secondary School, Sonajori, Block Lailunga, District Raigarh Chhattisgarh
6. The University Grant Commission, Through The Secretary, Bahadur Shah Zafar Marg, New Delhi 110002

---- Respondent**WPS No. 1757 of 2018**

- Maneeram Patel S/o Garjan Singh Patel, Aged About 26 Years R/o Village Saraipali, Tahsil Baramkela, District Raigarh, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Panchayat And Rural Development Department, Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur Chhattisgarh
2. The Commissioner Cum Director, Directorate Of Panchayat, New Raipur Chhattisgarh
3. The Chief Executive Officer, Zila Panchayat, Raigarh, District Raigarh Chhattisgarh
4. Mats University, Through Its Registrar, Aarang, Kharora Highway, Aarang, District Raipur, Chhattisgarh
5. Sanjay Kumar Patel, Posted as Lecturer (Panchayat), Government Higher Secondary School, Naurangpur, Block-Sarangarh, District Raigarh (CG)
6. The University Grant Commission, Through its Secretary, New Delhi

---- Respondent

WPS No. 1759 of 2018

- Lakhan Kumar Patel S/o Chaitram Patel, Aged About 26 Years, R/o Village Beltikri, Tahsil Sarangarh, District Raigarh, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Panchayat And Rural Development Department, Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur Chhattisgarh
2. The Commissioner - Cum - Director, Directorate Of Panchayat, New Raipur Chhattisgarh
3. The Chief Executive Officer, Zila Panchayat, Raigarh, District Raigarh Chhattisgarh
4. Mats University Through Its Registrar, Aarang Kharora Highway, Aarang, District Raipur Chhattisgarh
5. Virendra Kumar Dewangan, Posted As Lecturer (Panchayat), Government Higher Secondary School, Bahama, Block Lailunga, District Raigarh Chhattisgarh

6. University Grants Commission, Through Its Secretary, New Delhi

---- Respondents

For Petitioners	:	Shri Goutam Khetrpal, Advocate
For Respondent No.3	:	Shri Shashank Thakur, Advocate
For Respondent no.4	:	Shri Pragalbh Sharma on behalf of Shri Maneesh Sharma, Advocate
Fro Respondent no.6	:	Shri S. S. Rajput, Advocate

Hon'ble Shri Justice P. Sam Koshy

Order On Board

22/11/2018

These are three writ petitions where the facts and ground raised by the petitioners and the contentions of the respondents are all similar if not identical and therefore, these petitions are being disposed of by this common order.

2. The relief sought for by the petitioners in all the writ petitions is for quashment of the order Annexure P-1 i.e. select list and P-2 i.e. the order of appointment to the extent of the petitioners being declared ineligible and and their name being excluded from the select list.

3. The grievance of the petitioners in nutshell is that they participated in the recruitment process arising out of an advertisement dated 22.07.2017 for appointment to the post of Lecturer (Panchayat) in different subjects. The petitioners were found eligible and were also found meritorious for appointment. However, respondent no.3 did not grant appointment orders in favour of the petitioners only on the ground that the degree which the petitioners were possessing was from Mats University i.e. respondent no.4 and for the academic years 2013-14 to 2015-16 it was not a recognized university for the purpose of accepting their qualification.

4. The contention of the counsel for the petitioners is that all the petitioners in the three writ petitions were those candidates who had in fact got admission at the first instance under respondent no.4 in the academic session 2012-13 and that they had cleared the examination in academic Session 2013-14. According to the petitioners, there are instructions from the University Grant Commission so also by the other respondents that for the purpose of acceptance of recognition, it is the date of admission which would be relevant and not the date of passing of the examination and under the said circumstance, the petitioners could not have been refused appointment orders by respondent no.3. Counsel for the petitioners referred to the documents of the UGC dated 21.03.2018 wherein the UGC has under the provisions of the Right to Information Act provided the following information to one of the petitioners:

“Admission taken in the approved ODL programme during the recognition period stands recognised till the completion of the course even if the University does not have recognition for further years if it is offered as per the UGC norms of territorial jurisdiction and in conformity with the norms/guidelines and regulations of respective regulatory bodies. However, it is the prerogative of the concerned employer/university/institution to take a view in respect of qualification acquired through distance mode.”

5. The petitioners further referred to the document Exhibit P-9 Annexure P-6 to show that the petitioners in fact had obtained the admission in June, 2012 and they had appeared in the examination in the first year in June-July, 2013. Thus for the purpose of recognition, the contention of the petitioners is that on the date when the petitioners had taken admission, the University had its recognition and therefore, respondent no.3 could not have refused issuance of appointment orders in favour of the petitioners.

6. Counsel for the respondents in their reply have taken a stand that since the petitioners passed the academic session during the period when the University did not have recognition, the appointments have not been issued. Counsel for the respondents referred to a correspondence which was made to the MATS University from UGC dated 15.02.2016 wherein the UGC has specifically held that the academic year 2013-14 to 2015-16 are treated as un-recognized which otherwise means the academic year 2012-13 had its recognition.

7. Having heard the contentions put forth on either side and on perusal of the record particularly taking note of the subsequent correspondence made by the UGC dated 21.03.2018 Annexure AD-2 produced by the petitioners obtained under the RTI Act it clearly reflects that for the purpose of recognition of an institution, it is the date of admission which would be relevant so far as the petitioners are concerned. Undisputedly, all the petitioners had obtained admission in June, 2012 and in June 2012 or for the academic session 2012-13 the University had its recognition from the UGC. The fact that the petitioners had been granted admission in June, 2012 stands further proved from the correspondence made by MATS University to the petitioners under the RTI Act dated 15.11.2018.

8. Given the aforesaid facts and circumstances of the case and keeping in view the observations of the UGC i.e. respondent no.4 in their letter dated 21.03.2018, this Court has no hesitation in reaching to the conclusion that the said correspondence makes it clear of the fact that when the petitioners took admission, the University had its recognition and therefore, for the purpose of appointment, the petitioners qualification cannot be said to be from a derecognized University. As such, the non-consideration of the

petitioners only on the ground of the degree being from a derecognized University is therefore held to be bad in law.

9. As a consequence, all these writ petitions deserve to be and are accordingly allowed. The respondents are directed to issue necessary order of appointment in favour of the petitioners subject to their fulfilling other formalities if any. It is expected that respondent no.3 shall act upon the order of this Court at the earliest preferably within a period of 60 days from the date of receipt of copy of this order.

**Sd/-
(P. Sam Koshy)
JUDGE**