

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

CWP No. 21809 of 2011 (O&M)

Date of Decision: 26.09.2018.

Baljinder Singh and another

... Petitioners

Versus

State of Punjab and others

... Respondents

CORAM : Hon'ble Mr. Justice Jitendra Chauhan

Present : Mr. L.M. Gulati, Advocate,
for the petitioner.

Ms. Monica Chhiber, Sr. DAG, Punjab.

JITENDRA CHAUHAN.J.

Through the instant civil writ petition, the petitioners seek issuance of a writ in the nature of mandamus directing the respondents to consider the candidature of the petitioners on the basis of their graduation certificate.

It has been contended by the learned counsel for the petitioners that petitioner No.1 has completed a diploma from All India Society for Electronics and Computer Technology from Bhopal and subsequently he has cleared BCA from Doctor C.V. Raman University, Bilaspur. Similarly, petitioner No.2 has passed BCA from Doctor C.V. Raman University, Bilaspur.

In pursuance to an advertisement for appointment of Constables, both the petitioners had applied however, after the physical test was conducting, the respondents declined the prayer of the petitioners to consider their graduation certificates on the ground that

BCA certificate was not recognized and the said University was not valid and they can be only considered on the basis of 10+2.

On the other hand, the stand of the respondents is that the petitioner No.1 has done BCA-I from the study centre of Dr. C.V. Raman University, Bilaspur whereas, petitioner No.2 has done BCA-I from the Regional College, Gurdaspur. The University was not authorised to open study centre/off campus centre beyond the territorial jurisdiction of the State as per the judgment of Hon'ble the Supreme Court rendered in *Prof. Yashpal vs. State of Chhattisgarh Writ Petition No.19 of 2004*. The universities cannot open their centre even within the State as per the provisions of UGC Regulation, 2003 without the approval of UGC.

Heard.

Annexure R-7 is letter dated 08.09.2014 written by Director, UGC which reads as under:-

“This has reference to your letter No. 70/Recruitment cell dated 25.03.2014 on the above subject. I am directed to inform you that Dr. C.V. Raman University, Chhattisgarh has been accorded provisional recognition for programmes that were approved by the Statutory Bodies of the University for a period of one year in May 2009 and continuation of recognition (for specific programmes) till the Academic year 2014-2015.

As far as policy on territorial jurisdiction Policy of the Erstwhile DEC in 2009, the state Universities (Both Private and Government funded) can offer programmes as per their Acts and Statutes. In the case of Dr. C.V. Raman University it can offer programmes only within the State of Chhattisgarh.”

Keeping in view the fact that the university from where the petitioners have acquired their qualification has not been authorised to open study centre/off campus outside the university and the petitioners have studied at campus, this Court feels that the claim of the petitioners has been rightly rejected. Consequently, the civil writ petition is dismissed.

26.09.2018.

(JITENDRA CHAUHAN)

SN

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No