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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-5048-2016
Date of Decision : July 18, 2018

Anil Kumar Petitioner.

Versus

Life Insurance Corporation of India Limited.
.... Respondent.

CORAM : HON'BLE MR. JUSTICE SHEKHER DHAWAN

Present Mr. Dinesh Rawat, Advocate
for the petitioner.

Mr. S.C. Thatai, Advocate,
for the respondent.

SHEKHER DHAWAN, J.

Present writ petition under Article 226 of the Constitution of India is for issuance of a writ in the nature of certiorari to quash the final selection list dated 03.09.2016 (Annexure P/4), issued by the Life Insurance Corporation of India Limited (hereinafter referred to as “**the respondent-Corporation**”), whereby the selection of the petitioner was ignored by violating the fundamental right of equality of opportunity in the matter of public employment.

2. Facts relevant for the purpose of decision of this writ petition; that the petitioner applied for the post of Assistant Administrative Officers (Generalist) and appeared in the online examination and duly cleared the

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same. He was selected for interview as he had got 246 total Weighted Score, which was much higher than the required for general as well as OBC categories. The petitioner appeared in the interview on 31.07.2015. However, on 03.09.2015, the respondent-Corporation issued list (Annexure P/4) of finally selected candidates, but the name of the petitioner was not in the said list. The petitioner came to know on the basis of reply of the respondent-Corporation that he was not selected as he was having Bachelor of Commerce (B.Com.) degree which was issued by Vinayaka Mission University (for short, "**the University**") and the same was not recognized as per University Grants Commission (UGC) guidelines on territorial jurisdiction of Open University (deemed University). In the case of the petitioner, he was issued a bona fide certificate by the University on 19.1.2016 (Annexure P/9) that the petitioner had completed the course at the University head quarter. On this score, there is a clear cut violation of Right to Equality of opportunity in matters of public employment as also fundamental rights of the petitioner under Article 16 of the Constitution of India.

3. At the time of arguments, learned counsel for the petitioner contended that the petitioner was otherwise eligible for appointment and he had cleared the online test and thereafter, he was called for interview, but he was not appointed solely on the ground that the University from where he had acquired B.Com. degree was not recognized as per UGC guidelines. The said UGC guidelines are of the year 2014, whereas, the petitioner had got admission in the course in the year 2011 as is evident from Annexure P/9.

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4. Learned counsel for the respondent-Corporation while arguing on this point, contended that there is no dispute on remaining facts, rather the appointment was refused to the petitioner as he was not found eligible since he was not having basic educational qualification of B.Com. He had completed his graduation and obtained the degree from an Open University through Distance Education at Vinayaka Mission University, Salem, Tamil Nadu (Deemed University) and the petitioner was not within the territorial jurisdiction of the said University. The UGC guidelines were issued prior to the issuance of advertisement by the respondent-Corporation and submission of application by the petitioner. As such, the present writ petition is without any merit and the same be dismissed.

5. Having considered the submissions made by learned counsel for the parties and appraisal of the record, this Court is of the considered view that the basic facts are not disputed that the petitioner had applied for the post of A.A.O. (Generalist) with the assumption that he was having requisite educational qualification of B.Com. from a recognized University. This fact is also not disputed that the petitioner obtained B.Com. Degree from Open University through Distance Education at the University and the petitioner was not within the territorial jurisdiction of the said deemed University. On this point, the UGC guidelines governing the Universities including deemed Universities are certainly application to Vinayaka Mission University as well. The relevant part of UGC guidelines is extracted below:-

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**“RECOGNITION ACCORDED TO UNIVERSITIES/
INSTITUTIONS FOR OFFERING PROGRAMMES THROUGH
DISTANCE MODE”**

IMPORTANT:

Institutional Recognition: The erstwhile DEC had not accorded approval to any specific programme offered by the university / institution and it is the university/institution to decide the programmes to be offered through distance mode and seek approval of the statutory bodies of the university and other apex bodies, wherever required.

Territorial Jurisdiction: In case of Central Universities the Territorial Jurisdiction will be as per their Acts and Statutes for offering programmes through distance mode. In case of State Universities (both Govt. and Private) the Territorial Jurisdiction in case of Deemed University will be as per UGC mandates and prior approval of the UGC is required for opening Study Centres / Off Campus Centres outside the HQs. The territorial jurisdiction in case of Private Institutions (other than Universities) shall be their HQs and in no case outside the State concerned. For recent notification of UGC on Territorial Jurisdiction, please refer UGC website www.ugc.ac.in.”

6. In the light of UGC guidelines, the bonafide certificate is not of any help to the petitioner. Needless to say that having B.Com. Degree from a recognized University of India was an essential condition for appointment to the post of AAO (Generalist) for which the petitioner was a candidate.

7. As per UGC Notification No.F.No.UGC/DEB/QMC/2013 dated

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9.8.2014 (Annexure R/2), a University established or incorporated by or under a State shall operate only within the territorial jurisdiction allotted to it under its Act and in no case beyond the territory of the State of its location. It is also not disputed that the petitioner resides in the State of Haryana and he had obtained B.Com. Degree through Distance Education mode from a University established in Tamil Nadu. The territorial jurisdiction will be as per its Act and Statute and not beyond the territory of the State. In the light of that, the degree obtained by the petitioner was not as per the UGC guidelines and the candidature of the petitioner was rightly rejected for appointment by the respondent-Corporation.

8. Respondent-Corporation has also come with the plea that the selection process was otherwise complete and even 9 months' induction training programme of the selected candidates is complete.

9. In view of the above, it is not a case of violation of any fundamental right. Petitioner is claiming equality with those candidates, who are having B.Com. degree from some recognized University of India. But, his case does not fall under that category.

10. Resultantly, the present writ petition is without an merit and the same stands dismissed.

(SHEKHER DHAWAN)
JUDGE

July 18, 2018.
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Whether speaking/reasoned? :	Yes
Whether reportable? :	Yes