

THE HON'BLE THE CHIEF JUSTICE SATISH CHANDRA SHARMA
AND
THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT APPEAL NOS.168, 193, 232, 233, 239, 242, 246, 247, 253,
256, 261, 266, 268, 271, 272, 274, 278, 285, 300, 568, 569, 570,
571, 572, 573, 574, 575, 577, 578, 580, 583, 584, 585, 586, 588,
589, 590, 591, 593, 594, 595, 596, 597, 598 OF 2010,
AND
1342 AND 1345 OF 2016
AND
WRIT PETITION No.8206 of 2009

COMMON JUDGMENT: *(Per Hon'ble Sri Justice Abhinand Kumar Shavili)*

The issue raised in all these cases is one and the same and, therefore, all these cases were heard together and are being disposed of by way of this common order.

2. Heard learned counsel for both parties.
3. For the sake of convenience, the facts in W.A.No.168 of 2010 are discussed hereunder:
 - (a) W.A.No.168 of 2010 is arising out of the judgment dated 02.12.2009 rendered by the learned Single Judge in W.P.No.994 of 2007, which was disposed of along with W.P.Nos.22922 of 2006 & batch.
 - (b) The appellant is Vinayaka Mission's Research Foundation, which is a Deemed University. Some of these writ appeals are filed by the Distance Education Council, Indira Gandhi National Open University.
 - (c) The grievance of the appellant is that the degrees awarded by them i.e., Vinayaka Mission's Research Foundation are not being treated as valid degrees. Challenging the action of the respondents in not recognizing the degrees awarded by Vinayaka Mission's Research Foundation and certain other deemed universities, some of the students filed W.P.No.22922 of 2006 and batch before this Court. The learned Single Judge of this Court was pleased to

dispose of the said batch of writ petitions *vide* orders dated 02.12.2009 with the following directions:

“(a) only such courses imparted by the deemed universities through distance mode, as are approved under the letter jointly signed by the Secretary U.G.C., Member Secretary, A.I.C.T.E. and Director D.E.C. or by any independent authority under the relevant enactment conferred with the power to grant approval prospectively, shall be treated as legal and valid; and

(b) such of the petitioners who have studied the courses through distance mode from AISE, Rajasthan are not entitled for conferment of degrees, since the examinations were not conducted as per the procedure prescribed by that university.”

4. Counsel for the appellants had contended that the appellants have obtained information under Right to Information Act, 2005 from the Indira Gandhi National Open University (for short ‘the Open University’) and the Open University had clarified *vide* letter dated 04.09.2008 that the Member Secretary, A.I.C.T.E, Director D.E.C. and Secretary U.G.C have jointly signed and approved the courses offered by Vinayaka Mission’s Research Foundation, and in view of the same, the degrees awarded by Vinayaka Mission’s Research Foundation are to be held valid, therefore, appropriate orders be passed in this batch of cases clarifying that the degrees awarded by Vinayaka Mission’s Research Foundation should be declared as valid by taking into account the letter dated 04.09.2008 issued by the Open University.

5. This Court, having considered the submissions made by learned counsel for the appellants, is of the considered view that the aforesaid batch of writ petitions were disposed of making it very clear that only such courses imparted by deemed Universities

through distance mode, as are approved under the letter jointly signed by the Secretary U.G.C., Member Secretary, A.I.C.T.E and Director D.E.C or by any independent authority under the relevant enactment conferred with the power to grant approval prospectively, shall be treated as legal and valid. If the appellants are claiming that in view of the letter dated 04.09.2008 issued by the Open University, the degrees awarded by them are to be declared as valid, then they must independently file writ petitions by relying on the letter dated 04.09.2008 furnished by Open University under Right to Information Act. There is no adverse finding recorded against the appellants by the learned Single Judge. Therefore, this Court is not inclined to interfere with the order passed by the learned Single Judge.

6. Accordingly, these writ appeals and writ petition are dismissed. However, liberty is given to the appellants to pursue their independent grievances to validate their degrees in accordance with the findings recorded in para (a) of the directions given by the learned Single Judge.

Pending miscellaneous petitions, if any, shall stand closed.

SATISH CHANDRA SHARMA, CJ

ABHINAND KUMAR SHAVILI, J

25.01.2022
v v