

IN THE HIGH COURT AT CALCUTTA
(CIVIL APPELLATE JURISDICTION)
(APPELLATE SIDE)

PRESENT:

THE HON'BLE JUSTICE RAI CHATTOPADHYAY

WPA 22788 of 2019

Sheelita Das
Vs
Union of India & Ors.

For the petitioner : **Mr. Balailal Sahoo**
Mr. U.K.Bhattacharyya
Mr. Kaustav Mishra

For the State : **Mr. Swapan Kr. Datta**
Mr. Dipankar Das Gupta

For the UGC : **Mr. Anil Kumar Gupta**

For the Calcutta University : **Mr. Nilotpal Chatterjee**
Mr. Satyaki Banerjee

Heard on : **13.03.2024**

Judgement on : **18.04.2024**

Rai Chattopadhyay,J.

- 1) The writ petitioner is aggrieved that “equivalence certificate” has been illegally denied to her by the respondent Calcutta University.
- 2) It is stated that the writ petitioner has concluded Masters Degree Course in Arts from the Institution, namely, “Makhanlal Chaturvedi National University of Journalism and Communication,” Bhopal, from its outstation centre situated at Kolkata, at “Bharatiya Bhasha Parishad Bhawan”.

- 3) After completion of Master's Degree Course successfully the writ petitioner has enrolled herself for M.Phil with the University of Calcutta. That was in the year 2015. Before that, however, there have been exchange of communications between the parties and from there, one letter dated 26th December, 2014, the Registrar of University of Calcutta, is to be noticed.
- 4) By dint of the same, the Registrar of the University of Calcutta has informed the writ petitioner, that a degree of M.A. in Mass Communication from "Makhanlal Chaturvedi National University of Journalism", cannot be considered for undertaking M.Phil programme under the University of Calcutta, in view of University Grants Commission notification that unapproved outstation study centres should be closed and cannot function as the centre of such University.
- 5) Be that as it may, subsequently, the writ petitioner was admitted for M.Phil in the respondent University and she duly qualified in the same.
- 6) The writ petitioner is aggrieved that in spite of her being qualified in M.Phil, she has not been provided marksheet and results by the concerned Calcutta University on the pretext of non-production of the "equivalence certificate". Also that the "equivalence certificate" is also not issued on the ground of invalidity of her Master's degree being obtained from an unauthorized study centre of the concerned University.
- 7) Mr. Balailal Sahoo is appearing for the writ petitioner. He has strongly contended that after allowing the writ petitioner to be admitted in M.Phil and her being qualified therein, the respondent University shall not have any authority to withhold her "equivalence certificate" or the final results in M.Phil.

- 8) The alleged action of the respondent authority is challenged in this case as well as its action of withholding of the results of M.Phil.
- 9) It is seen that all through a question arose, though has never been answered by any of the parties, that is, with regard to the authority of the university, to grant a valid masters degree to the petitioner, in terms of the regulations of the University Grants Commission.
- 10) Mr. Nilotpal Chatterjee, learned advocate is appearing for the University of Calcutta. He says that the outstation centre of the “Makhanlal Chaturvedi National University of Journalism” at Kolkata, is not authorized to conduct classes under the said University, as per UGC notification. In fact, he says that the University as named above shall not operate from any off-campus study centre, pursuant to the order of the Hon’ble Supreme Court.
- 11) Under such circumstances, according to him, the off-campus study centre of Kolkata of the said University, from which the writ petitioner has conducted classes and ultimately qualified in the examinations, would not be valid and the University would not have any authority to grant a valid degree to the petitioner in that case. Degree, if any granted, as it is in case of the writ petitioner, would not be considered as a valid degree, in such a case. This would automatically render the writ petitioner, not to be eligible for an “equivalence certificate”, as per UGC guidelines. So far as the University of Calcutta is concerned, he says that it has not done illegally, as alleged, in refusing “equivalence certificate” to the writ petitioner.
- 12) Mr. Anil Kumar Gupta is appearing on behalf of the University Grants Commission and relies on a document, that is the reply given in

response to an application under the Right to Information Act, 2005 of the writ petitioner dated 21st March, 2018. The reply is dated 11th April, 2018.

13) Let the questions and respective answers be extracted as hereinbelow:-

1)“Whether the said notice would have retrospective effect or University of Calcutta should provide me with a Equivalence Certificate as par UGC Policy?

Ans.: Makhanlal Chaturvedi Rashtriya Patrakrita National University of Journalism, B-38, Vikas Bhawan, M.P.Nagar, Sone 1, Bhopal-462039, Madhya Pradesh has been established by an Act of State Legislature of Madhya Pradesh as a State University and is empowered to award degrees as specified by the UGC under Section 22 of UGC Act, 1956 through its own departments, its constituent colleges and/or through its affiliated colleges in regular mode with the approval of concerned statutory bodies/councils, wherever required.

2)Whether Makhanlal Chaturvedi National University of Journalism and Commission, Bhopal, approved by UGC, was entitled to conduct MA Degree Course through regular mode with Bharatiya Bhasha Parishad in Kolkata in 2010”?

Ans.: “Makhanlal Chaturvedi Rashtriya Patrakarita National University of Journalism, B-38, Vikas Bhawan, M.P.Nagar, Sone 1, Bhopal-462039, Madhya Pradesh is not authorized to open study centre/off campus centre beyond the territorial jurisdiction of the State as per the judgment of Hon’ble Supreme Court of India in the case of Prof. Yash Pal Vs State of Chhattigarh.

The UGC has not granted any approval to the University to open off campus/study centre.

- 14) Mr. Anil Kumar Gupta, for the UGC, has submitted, on the basis of the said reply dated 11th April, 2018, that since the off-campus study centre of the “Makhanlal Chaturvedi National University of Journalism and Communication”, Bhopal, would not be an authorized institution for imparting education through off- campus study centre, the degree of the writ petitioner, who has been a student of such an off- campus study centre, shall also not have any validity. Thus, a question of granting her “equivalence certificate” by any other University (Calcutta University in this case) does not arise.
- 15) Mr. Sahoo, learned advocate appearing for the writ petitioner, has however, raised strong objections as regards the said reply dated 11th April, 2018, as filed in Court today, on behalf of the respondent/University of Calcutta, as well as University Grants Commission. He says that the respondents have not disclosed the

document at the first instance, at the time of filing affidavit-in-opposition. Hence they would not be eligible to rely on the same, at this later stage.

16) He has further stated that his client has never been supplied with copy of the said document. However, the veracity of the document is not challenged.

17) The writ petitioner passed MA degree course on 28th September, 2010, from “Makhanlal Chaturvedi National University of Journalism” Bhopal, from its outstation study centre at Kolkata, at “Bharatiya Bhasha Parishad Bhawan”. She enrolled for M.Phil with the respondent University, in 2015 and finally qualified in 2018. However, her results were withheld for want of “equivalence certificate”. The respondent University refused her the “equivalence certificate”, for the reason of invalidity of her MA degree, from “Makhanlal Chaturvedi National University of Journalism”.

18) The writ petitioner challenges the ground shown as above. She has made out a case that in spite of various communications made to the respondent UGC, as regards this, the queries have never been answered. Hence, that, there would not be any materials to substantiate about invalidity of her degree, as alleged. She claims that under such circumstances there would not be any cogent, sufficient and lawful reason, for the respondent University to reject her the “equivalence certificate” as well as withholding her results in M.Phil.

19) The writ petitioner has, however, not disclosed about the letter of the respondent UGC, dated 11th April 2018, as submitted in Court today. The same has not been relied on by the respondents either, in their respective affidavits. Considering the fact that the same shall have

relevance to the facts of the case and be necessary for appropriate adjudication of the case, this Court takes judicial notice thereof.

20) It says that “Makhanlal Chaturvedi National University of Journalism” is not authorized to open study centre/off campus centre, beyond the territorial jurisdiction of the state, that is Madhya Pradesh. This is on the basis of a judgment of the Supreme Court in Professor Yaspal vs State of Chattisgarh [reported in (2005) 5 SCC 420].

21) Therefore, since 2005, the study centre at Kolkata would not be authorized to enroll any candidate for a degree from “Makhanlal Chaturvedi National University of Journalism”, or otherwise a degree as such, if any, would not be valid in the eye of law. As stated earlier, the year of passing MA degree course by the writ petitioner (even if it is not valid) was 2010, that is much after the study centre at Kolkata has been declared as unauthorized and invalid to operate as an outstation centre of the said University. Validity of any outstation centre for “Makhanlal Chaturvedi National University of Journalism” was negated/withheld much priorly, in the year 2005. Therefore, a degree from an invalidated institution/centre, shall not be considered as valid or operative, irrespective of knowledge of the writ petitioner about that. It is her onus to verify credentials of an institution, before enrolling with the same.

22) However, since the credence to the Institution has been withheld that would render the MA degree obtained by the writ petitioner, from the “Makhanlal Chaturvedi National University of Journalism”, as invalid. Therefore, it is found that the respondent university has rightly and

justifiably denied the “equivalence certificate”, to the petitioner on the ground of invalidity of her MA degree.

23) On the finding as above, this Court finds no impropriety in the action taken by the respondent/Kolkata University in refusing to grant equivalence certificate to the writ petitioner.

24) The writ petitioner’s admission for M.Phil, was done on provisional basis, subject to verification of her credentials. Since at a subsequent stage, her degree was found to be invalid, her results in M.Phil have been withheld and rightly so, in terms of the rules and regulations. The petitioner would not be entitled to any relief in this case and the writ petition is liable to be dismissed.

25) The writ petition No. WPA 22788 of 2019 is dismissed.

26 Urgent Photostat certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Rai Chattopadhyay, J.)