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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 12443/2022**

KUNWAR ANAND SINGH

.....Petitioner

Through: Ms. Abha Kulshreshtra, Adv.
(DHCLSC)

Versus

THE REGISTRAR, IGNOU & ORS.

.....Respondents

Through: Mr. Kshitij Vaibhav and Mr. Ali
Mirza, Advs. for R-1
Mr. Preet Pal Singh and Ms.
Tanupreet Kaur, Advs. for BCI
Mr. Om Prakash, Mr. Chandresh
Pratap, Ms. Swati Mishra and Mr.
Nitish Pande, Advs. for R-2/UGC

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

ORDER

05.11.2024

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1. The facts of the instant case would indicate that the petitioner has cleared his 10th grade Higher Secondary Examination in 1992 and thereafter, in the year 2010, he took admission in *Indira Gandhi National Open University* [IGNOU] for completion of Bachelor Preparatory Programme [BPP]. The petitioner, thereafter, appeared in BA undergraduate examination that again was conducted by IGNOU in the year 2016 and accordingly, the degree was granted. According to the case of the petitioner, he also obtained M.A. degree in the year 2018 and further qualified



National Eligibility Test [NET] in the same year.

2. Learned counsel appearing on behalf of the petitioner contends that the respondent-IGNOU in the year 2019, decided to discontinue the degree of BPP and, therefore, the petitioner is facing difficulty in getting the benefit of the same in various educational institutions in order to pursue further studies. The petitioner, therefore, has prayed for the following reliefs :-

“A. Issue direction/writ of Mandamus or any other appropriate writ or order to direct the respondent no. 1 & 2 to treat the BPP Course as equivalent to Class XII;

B. Issue direction/writ of Mandamus or any other appropriate writ or order to direct the respondent no. 3 to consider the petitioner eligible for admission to three year Law Course.

C. Pass any such order(s) which this Hon’ble Court may deem fit and proper in the facts and circumstances of the case.”

3. I have heard learned counsel for the parties and perused the record.

4. The facts of the case would evidently indicate that the BPP degree obtained by the petitioner has not been withdrawn. The decision taken by IGNOU, in the year 2019, pertains only with respect to the discontinuation of BPP course. The prayer made by the petitioner, if considered in the right perspective, would show that the petitioner is seeking directions against respondent Nos. 1 and 2 to treat the BPP course as equivalent to Class 12th examination.

5. Unfortunately, there is nothing on record to justify the aforesaid prayer. Besides, it is a settled law that equivalence cannot be granted by a Constitutional Court and the same is an exercise which is required to be carried out by the educational institution and concerned departments. In the case of ***Guru Nanak Dev University v. Sanjay Kumar Katwal***¹, the Supreme Court has unequivocally ruled that equivalence constitutes a technical



academic matter, which cannot be implied or presumed. Thus, any determination regarding equivalence falls within the exclusive discretion of the academic authority of the university and must be made through a specific order or resolution.

6. With respect to, the direction sought in prayer (B), the same would further tantamount to granting the relief of treating BPP examination equivalent to Class 12th examination. The BPP degree, as can be seen from the counter affidavit placed on record by respondent -IGNOU, was only to enable the candidates to pursue further courses as being offered by the concerned University. If the brochure placed on record by the respondent-IGNOU with their counter affidavit is perused carefully, the same would indicate that the respondent unequivocally made it clear that the BPP program shall not be valid beyond 1 ½ year. The relevant paragraphs of the counter affidavit reads as under:-

“..It is submitted that the BPP program of IGNOU was launched pursuant to the aforesaid regulations. The Programme Guide of the BPP program records that the BA, B.Com, BTS, BSW etc. conferred through BPP is valid in view of University Grants Commission (the Minimum Standards of Instructions for the Grant of the First Degree through Non-Formal/Distance Education in the Faculties of Arts, Humanities, Fine Arts, Music, Social Sciences, Commerce and Sciences) Regulations, 1985 published in the Gazette of India vide Notification No. F.I-117183 (CP) dated 25th November 1985.

Annexure RI/1. A detailed handbook on BPP which is also available online(<http://www.ignou.ac.in/upload/programmeiB%20BPP%20Prog%20GuideE.pdf>) is annexed hereto and marked as Annexure RI/2.

6.That, the BPP program was only an entry gate for non 10+2 students to pursue graduate degree programmes. It is pertinent to mention here that in 10+2, a student has to pass a minimum of 5 courses, whereas in the BPP programa student has to pass only 2 preparatory courses out

¹ (2009) 1 SCC 610



of 3 . preparatory courses, for admission in BA B.Com. The purpose of BPP programme was to only test the suitability of the student if he/she is fit to pursue a graduate degree or not. The common prospectus of the respondent University at Clause 3.6 clearly stated that-"the BPP is neither equivalent to 10+2 nor have any kind of credit weightage. This is just a medium to gain entry into the non-formal stream of bachelor's degree"

7. It is necessary to mention here that no certificate was given on passing the BPP exam. The exam of BPP once cleared remained valid for a period of one and half year and if any student failed to get admission in BA B.Com within aforesaid period, then as per the rules he had to appear for the BPP exam again. It was clearly mentioned at para 6 of the program guide of the BPP program that - "... At no stage BPP is treated at par with 10+2. It is also not treated at par with Matric/Inter."

8. That it is further submitted that B.A./B.Com/BTS/BSW degree obtained under non-formal 10+2 stream, i.e. through BPP, is a valid degree as per University Grants Commission (the Minimum Standards of Instructions for the Grant of the First Degree through Non-Formal/Distance Education in the Faculties of Arts, Humanities, Fine Arts, Music, Social Sciences, Commerce and Sciences) Regulations, 1985 published in the Gazette of India vide Notification No. F.1-117/83 (CP) dated 25th November 1985. UGC has subsequently amended the Regulations and published in the Gazette of India vide Notification No. F.1-117/83 (CPP-II) dated 18th October 1995 reducing the age limit from 21 to 18 years. A copy of the UGC regulations as above noted is annexed hereto and marked as Annexure RI/3.

*9. That the Academic Council of the respondent University in its meeting held on 21st July, 2020 took a decision to discontinue the BPP program in view of the UGC's Letter dated 20th March 2020 sent in response to respondent university's letter seeking clarification with respect to the BPP program of IGNOU. The said BPP course has been discontinued by the respondent university in 2019 itself. Copy of the Minutes of the meeting of Academic Council held on 21st July, 2020, annexed hereto and marked as **Annexure RI/4.**"*

7. It is, thus, seen that the BPP course was only a qualifying examination for undertaking further studies for non-formal 10+2 stream students. It is also pertinent to note that in the instant case the petitioner had already



availed the benefit of pursuing a BA course on the strength of the BPP course. It is also seen from the counter affidavit that the BPP course cannot be equivalent to a formal 10 +2 , as a 10 +2 student has to pass a minimum of 5 courses, whereas, in the BPP program, a student has to pass only 2 preparatory courses.

8. The Court, therefore, is not inclined to accept the prayer made in the instant writ petition.

9. Accordingly, the instant petition stands dismissed.

PURUSHAINDRA KUMAR KAURAV, J.

NOVEMBER 5, 2024

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