



2024:DHC:6856-DB



\$~36.

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

+ LPA 874/2024, CM APPL. 50811/2024, CM APPL. 50812/2024

VIKRAMJEET SINGH MANN

.....Appellant

Through: Mr Bishwajit Dubey, Mr Karan Khetani, Mr Kritarth Upadhyay, and Mr Aviral Jain, Advocates

versus

UNIVERSITY GRANTS COMMISSION & ORS.Respondent

Through: Ms. Vidhi Gupta, GP with Mr. Ankit Siwach, Advs. for R-2

%

Date of Decision: 03rd September, 2024

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

JUDGMENT

MANMOHAN, ACJ : (ORAL)

CM APPL. 50813/2024

1. Keeping in view the averments in the application, the delay in filing the appeal is condoned.

LPA 874/2024, CM APPL. 50811/2024, CM APPL. 50812/2024

2. Present appeal has been filed challenging the judgment dated 28th May, 2024 passed by the Learned Single Judge in W.P.(C) 8132/2014 whereby the Appellant's petition seeking grant of retrospective recognition of the MBA qualification obtained by him from the Respondent No. 5

Signature Not Verified

Digitally Signed By: ASWANT
SINGH RAWAT
Signing Date: 06.09.2024
19:10:48

LPA 874/2024

Page 1 of 3



university in 2008 was rejected on the ground that there was an express proscription against the same, contained in the letter dated 7th October 2018, issued by the Respondent No. 2.

3. The Appellant was enrolled in the distance education MBA programme, provided through open distance learning by the Respondent No. 5 University during the years 2006-2008.

4. Learned counsel for the Appellant states that the Learned Single Judge has erred in not considering the fact that the issue involved in the petition was concerning the UGC (Establishment of Standard in Private Universities) Regulations, 2003 and not the current regulation as well as the office order dated 22nd September, 2023 and the proscription contained in the letter dated 07th October, 2018.

5. He further states that the Appellant is similarly placed to students studying in Central / State / Union Territory funded institutions under the National Council for Teacher Education Act, 1993 ("NCTE Act") who, *vide* press release dated 1st November, 2017 were granted retrospective recognition. He also states that a number of institutes similar to Respondent No.5 University were granted recognition during the period 2007-08.

6. Having heard learned counsel for the appellant, this Court finds that the underlying writ petition had been filed in the year 2014 i.e. six years after the appellant had passed out from the respondent No.5 University. This Court is of the view that the underlying writ petition was not maintainable as it was clearly barred by laches.

7. In any event, if the appellant's prayer for recognition of the MBA qualification obtained by him has to be considered by the University Grants Commission (UGC), it can only be done in accordance with the extant laws.



8. The admitted position is that the Government of India, Ministry of Human Resource Development has vide order dated 07th October, 2018 directed the UGC that '*under no circumstances, UGC shall grant retrospective or ex-post facto recognition to any course through open distance learning*'. Further, the UGC vide its own order dated 22nd September, 2023 refused to grant retrospective recognition for the open distance learning programme provided by Respondent No.5 University. The said order, as referred to by the learned Single Judge also expressly states that there is no provision in the UGC (Open and Distance Learning Programmes and Online Programmes) Regulations, 2020 to accord retrospective or ex-post facto recognition.

9. The learned Single Judge has also rightly held that the comparison with the teacher training courses conducted by institutions under the NCTE is not tenable, as the same was done in pursuance to a legislative decision and there is no such similar legislative dispensation with regard to the MBA programme undertaken by the Petitioner in the Respondent No. 5 University.

10. Accordingly, the present appeal and applications being bereft of merits are dismissed.

ACTING CHIEF JUSTICE

TUSHAR RAO GEDELA, J

SEPTEMBER 3, 2024

N.Khanna