



WEB COPY



1

W.A.(MD)NO.1624 OF 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.08.2025

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HON'BLE MR.JUSTICE K.RAJASEKAR

W.A.(MD)No.1624 of 2021 AND

C.M.P.(MD)No.7046 of 2021

Dr.I.Preetha

... Appellant / Writ petitioner

Vs.

1. University Grants Commission,
Rep. by its Secretary,
Bahadur Shah Zafar Marg,
New Delhi – 110 002.
2. The Manonmaniam Sundaranar University,
Rep. by its Registrar,
Abishekapatti, Tirunelveli – 627 012.
3. The Chairman,
S.T.Hindu College, Nagercoil,
Kanyakumari District – 629 002. ... Respondents / Respondents

Prayer: Writ Appeal filed under Clause 15 of Letters Patent, to set aside the order dated 25.06.2021 in W.P.(MD)No.6764 of 2021 on the file of this Court and allow the writ petition.

For Appellant : Mr.S.Xavier Rajini
For R-2 : Ms.Jasima Yasmin,
for M/s.Ajmal Associates.
For R-3 : No appearance.

* * *

**J U D G M E N T****(Order of the Court was delivered by G.R.SWAMINATHAN, J.)**

The unsuccessful writ petitioner is the appellant before us. The writ petitioner after completing 12th standard, joined B.A.(Tamil) degree course in Pioneer Kumaraswamy College, Nagercoil in the year June 1999. It is a three year course. Unfortunately, the writ petitioner could not obtain a pass in B.A. Degree at the end of the academic year 2001-02. Thereafter, she joined M.A.(Tamil) through distance education mode conducted by Annamalai University in June 2003 and the academic year ended in June 2003-04. The appellant could not get M.A.degree within two academic years. She was able to secure a pass in M.A. Degree only in December 2006. In the meanwhile, she obtained pass in B.A.(Tamil) degree by clearing the supplementary examination held in April 2006. Thereafter, she obtained M.Phil degree from the Manonmaniam Sundaranar University and also obtained PhD. from the very same University. She was appointed as Assistant Professor in Tamil in S.T.Hindu College, Nagercoil on 01.01.2017 in the Self Financing stream. The proposal for qualification approval was submitted to the University on 28.12.2020. The University declined to approve the writ petitioner's



qualification vide proceedings dated 09.03.2021. The University took the stand that the writ petitioner had pursued her M.A.degree simultaneously while pursuing her B.A.degree. Challenging the said order, W.P.(MD)No.6764 of 2021 was filed. The learned single Judge dismissed the writ petition vide order dated 25.06.2021. Challenging the same, this writ appeal has been filed.

2. Heard both sides.

3. The impugned order is confined only to the question of parallel pursuit of B.A.degree as well as M.A.degree. But, the moot question that calls for consideration is whether the writ petitioner was entitled to join M.A.degree course without successfully completing the B.A.degree course.

4. The learned counsel for the writ petitioner / appellant drew our attention to University Grant 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. Clause 2(2) of the said Regulation reads as follows:-

“ No student shall be eligible for the award of the first degree unless he has successfully completed a three year course; this degree may be called the B.A./B.Sc./B.Com.(General Honours/Special) degree as the case may be.

Provided that no student shall be eligible to seek admission to the Master Course in these faculties, who has not successfully pursued the first Degree Course of three years duration.

Provided further that, a transitory measure where the universities are unable to change over to a three year degree course, they may award a B.A./B.Sc./B.Com.(Pass) degree on successful completion of two year course, but that no student of this stream shall be eligible for admission to the Master course unless he has undergone a further one year bridge course and passed the same. The three year degree course after 10+2 stage should in no case be termed as B.A./B.Sc./B.Com.(Pass) degree.”

5. The learned counsel for the appellant pointed out that while in the Proviso the expression employed is “successfully pursued”, the



word employed in the main clause is “successfully completed”.

According to him, it is enough if the candidate undertakes the three year course and it is not necessary that she or he must have passed the same. That is why, UGC had employed the expression “pursued” in the Proviso.

6. This contention is undoubtedly attractive. But the learned Standing counsel met the same by pointing out that the UGC Regulations, 1985 regarding the Minimum Standards of Instruction for the Grant of the First Degree through Formal Education is also worded identically. Clause 2(3) of the same reads as follows:-

“ No student shall be eligible for the award of the first degree unless he has **successfully completed** a three year course; this degree may be called the B.A./B.Sc./B.Com. (General/Honours/Special) degree as the case may be:

Provided no student shall be eligible to seek admission to the Master course in these faculties, who has not **successfully pursued** the first degree course of three years duration.

Provided further that, as a transitory



measure where the universities are unable to change over to a three year degree course, they may award a B.A./B.Sc./B.Com.(Pass) degree on successful completion of two year course, but that no student of this stream shall be eligible for admission to the Master course unless he has undergone further one year bridge course and passed the same. The three year degree course after 10+2 stage should in no case be termed as B.A./B.Sc./B.Com.(Pass) degree. ”

The language employed in both the regulations ie., formal education as well as the non-formal/distance education is one and the same.

7. The Madras High Court in the decision reported in **2008-1-L.W.924 (N.Ramesh Vs. Sibi Madan Gabriel & 3 others)** had held as follows:-

“23. ... On the other hand, the Regulations made it abundantly clear that no person was eligible to appear at the M.A. examination of the Open University, unless such person had obtained the first degree. ...

...

28. For the aforesaid reasons, we are of the considered view that Respondent No.4 was not



eligible to be considered for the post of Principal as the M.A. degree obtained by him through the Open University System without there being a first degree was not a valid degree. Since he was not eligible, obviously he could not have been selected for the post.”

The aforesaid decision was confirmed by the Hon'ble Supreme Court in the decision reported in ***(2009) 4 SCC 590 (Annamalai University Vs. Secretary to Government Information & Tourism Department)***.

8. It is relevant to note that vide order dated 14.03.2011 in W.P. (MD)No.1099 of 2007 (***P. Gandhi Vs. The Inspector General The Directorate General Border Security Force***), a learned Single Judge, after considering the 1985 UGC Regulations and a catena of case laws, had held as follows:-

“ 111. On a careful consideration of respective contentions and on an overall assessment of the conspectus of the facts and circumstances of the present case, this Court comes to an inevitable conclusion that the University Grants Commission Regulations do not visualise conferment of a



Master's Degree through Open University System unless a person has got the First Degree either as a formal student or under non-formal/distance education system. In other words, the ingredients of University Grants Commission Regulations candidly make it clear that if a student in order to be eligible for obtaining a Master's Degree through Open University System or otherwise, he ought to have successfully completed the First Degree. ...”

9. In the 9th edition of the Oxford Advanced Learner's Dictionary, the term “pursue” has been defined to mean to do something or try to achieve something over a period of time. But the said term cannot be viewed in isolation. The qualifying adjective viz., “successfully” preceding the said term cannot be lost sight of. The term “successful” has been defined to mean achieving your aims or what was intended. Viewed from this angle, “successfully pursuing” occurring in the proviso cannot acquire an interpretation different from that of “successfully completed”. They connote the same thing ie., successful acquiring of the degree.



10. We sustain the order of the learned single Judge. However, taking into account the exceptional circumstances obtaining in this case, we permit the petitioner to submit a representation to the University Grants Commission. It is open to the University Grants Commission to grant validity to the degree obtained by the writ petitioner for future purposes. This writ appeal stands disposed of accordingly. However, the learned counsel appearing for the appellant states that such a representation will be submitted within a period of four weeks from the date of receipt of a copy of this order. The University Grants Commission is directed to pass an order thereto within a period of eight weeks thereafter. No costs. Consequently, connected miscellaneous petition is closed.

(G.R.SWAMINATHAN, J.) & (K.RAJASEKAR, J.)
22nd August 2025

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
PMU



WEB COPY



10

W.A.(MD)NO.1624 OF 2021

G.R.SWAMINATHAN,J.

AND

K.RAJASEKAR, J.

PMU

W.A.(MD)No.1624 of 2021

28.08.2025