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

+ **W.P.(C) 3606/2020 & CM APPL. 12838/2020**

PREETI

.....Petitioner

Through: Mr. Anuj Aggarwal, Adv.
(appearance not given)

versus

UNIVERSITY GRANTS COMMISSION & ORS.

.....Respondents

Through: Mrs. Avnish Ahlawat, SC GNCTD
Services with Mr. Nitesh Kumar
Singh, Adv.
Mr. Vedansh Anand, SPC with Mr.
Kush Garg, Adv. for UOI

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

29.04.2026

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1. This is a writ petition filed under Article 226 of the Constitution of India seeking the following prayers :-

“(a) A Writ of Certiorari Calling for the Records of the Case for Perusal;

(b) A Writ of Certiorari quashing the action of the Respondents in not issuing to the petitioner, till date, the degree for B.Ed. (Special Education) Course for the academic Session 2013-14 despite having issued mark sheet in respect thereof to her in January 2015, being illegal, arbitrary, mala fide, in bad faith, unjust, unfair and



without cause/ jurisdiction and in violation of the principles of equity, natural justice and good conscience;

(c) A Writ of Mandamus Directing the Respondents No.1 and 2 to forthwith issue degree of B.Ed. (Special Education) Course for the academic session 2013-14 to the Petitioner;

(d) A Writ of Mandamus Directing the Respondents No. 4/ Directorate of Education, Government of NCT of Delhi to grant sufficient/adequate and suitable time to the petitioner to submit her B. Ed. Degree (Special Education) after obtaining the same from the concerned university/respondent No. 3 herein.

(e) A Writ of mandamus commanding the Respondents to pay the costs of this petition to the Petitioner;...”

2. As per the public notice issued by respondent No. 3, i.e. Karnataka State Open University, Mysore, in the year 2013, it offered admissions in B.Ed Special Education Course for one year duration through open learning method. The petitioner applied for the said course and was admitted.
3. The petitioner completed her course in July, 2014 and on 17.01.2015, marksheet was issued by the University to the petitioner, showing the petitioner to have earned 48 credits and 685 marks out of 1000.
4. Since the petitioner was not issued a degree, the petitioner made inquiries and became aware of a Public Notice dated 16.06.2015 which stated that the recognition of the said programme through Open Distance Learning (“**ODL**”) mode, in which the petitioner was



enrolled, had been discontinued. The same reads as under:

F.No.UGC/DEB/8/KSOU/1/2015

16th June, 2015

Public Notice

Karnataka State Open University, Mysore – Discontinuation of recognition of programmes through ODL mode

1. Karnataka State Open University, Mysore, in collaboration with private institutions/entities/coaching centres spread all over the country and even abroad, has been offering programmes through distance learning mode by blatantly flouting the norms, guidelines and directives of University Grants Commission and erstwhile Distance Education Council of Indira Gandhi National Open University, New Delhi. Taking cognizance of this fact, the programmes offered by KSOU, Mysore has not been recognized by UGC beyond 2012-13. This has been done after issue of a Show Cause notice to them on 10.06.2011 and after considering their response including personal hearing of the officials of the University.
2. It has, however, been noticed that despite this the university remained undeterred and is continuing to offer programmes through distance learning mode in violation of the UGC policy on territorial jurisdiction vide UGC public notice dated 27th June, 2013. The university has also been offering professional/technical programmes in violation of the norms of the concerned regulatory bodies and without their approval. Moreover, the university has been offering engineering programmes, despite clear directions of Ministry of Human Resource of Development vide their D.O letter No. 6-7/2009-DL dated 28th July, 2009 and DEC letter dated 13th August, 2009 and recent UGC public notice dated 11th March, 2015 (All the three letters available on UGC DEB website). The university has also started offering online programmes, which are not recognised by UGC, as an exclusive method of distance education.
3. The General Public, students and other stake holders are, therefore, cautioned through this public notice against the wrong reporting/publicity in newspaper and television by the university about its territorial jurisdiction and about validity of the recognition of its programmes, including professional/technical programmes. Taking admissions to such programmes may jeopardise the career of the students, in view of the absence of recognition of the programmes of the university by UGC.

(Jaspal S. Sandhu)
Secretary, UGC



5. Since the respondent No. 3 had been de-recognized by virtue of the said notice, no degree was issued to the petitioner. Hence, the present petition.
6. Mr. Aggarwal, learned counsel for the petitioner, has drawn my attention to a judgment of The Hon'ble High Court of the Karnataka at Bengaluru in W.P(C) 32792/2019 and connected matters, passed in matter with identical facts, wherein in paragraph Nos. 13,15,17,20,23,25,26, it has been held as under:

“17. As already noticed by me, this contention does not detract from the fact that KSOU Act, 1992, is a self contained enactment and it has the power and mandate to run permissible courses, specifically non technical courses, in the ‘In-House System’. The fact that UGC is the summit academic regulatory body created under UGC Act, 1956, with the mandate of setting and maintaining academic standards in the field of higher education is no longer open to question. It is not necessary to refer to the various provisions of UGC Act, 1956, for the current purpose in view of catena of decisions rendered by the Apex Court.

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20. A close reading of the above public notice shows that UGC has rightly taken umbrage at the KSOU offering its courses through ACIS by facilitating opening of study centres/ franchises all over the country and also through them offering technical courses to large number of



students. UGC has also taken exception to KSOU offering such courses beyond its territorial jurisdiction, understably, because it is well-nigh impossible for the KSOU with its limited resources to oversee the standard of instructions imparted in such farflung centres. However, the present petitioners are all 'In- House System' students, who have taken non technical courses and as per the norms fixed under KSOU Act, 1992 and its statutes and ordinance and students have successfully completed the course and have passed the examinations. It is also true that in view of the superior regulatory position accorded to UGC and in view of the DEC forming a part of UGC itself and same requiring the KSOU seeking formal recognition/approval for the programmes run by it, there was an obligation on the KSOU to formally apply and secure recognition/approval from DEC of the UGC. Admittedly for the courses for Academic Years 2013-14 and 2014-15 to which these petitions belong KSOU had not taken such recognition.

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23. Regulation 2 of UGC Regulations, 1985, deals with conditions for admission of students to the degree courses. Regulation 3 of UGC Regulations, 1985, deals with the program of study and Regulation 4 of UGC Regulations, 1985, deals with the examination in all the universities. There cannot be any dispute that KSOU is an university



within the meaning of Section 2(f) of UGC Act, 1956 and therefore, in regard to admission of students for programmes and examination for the degree courses offered through ‘In-House System’ for non technical courses in KSOU to which categories all these petitioners belong, in addition to requirement under KSOU Act, the statutes and the ordinances framed thereunder they also have to fulfill the aforementioned regulations under UGC Act. As already noticed, the infraction alleged against KSOU during Academic Years beyond 2012-13 till the recognition earlier granted was renewed with effect from Academic Year 2017-18 was that University was facilitating imparting of education under ACIS for technical courses through study centres or franchises all over the country, which contributed to dilution of the academic standards. UGC has not at all taken a position that KSOU in regard to these petitioners during their pursuit of studies in non technical courses through ‘In-House System’ had fallen short of any of the standards set by it under the provisions of UGC Act, 1956, UGC Regulations, 1985, or under the provisions of KSOU Act, 1992, and statutes or ordinances framed thereunder. UGC has not placed any inspection report or any other material to substantiate the same.

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25. I have carefully perused the above decision which in



turn places reliance on a previous decision of the Apex Court in **ANNAMALAI UNIVERSITY, REP. BY REGISTRAR v. SECRETARY TO GOVERNMENT, INFORMATION AND TOURISM DEPARTMENT AND OTHERS**⁴. In the said cases it was brought out before the Hon'ble Apex Court that certain mandatory provisions were not complied with by the administrative authority and in such an event, the action taken itself being void cannot be approved or regularized *ex post facto*. As an example, in **ORISSA LIFT IRRIGATION CORPORATION** case, it was noticed that there was no representation for any member or representative of AICTE and such other defects which go to the substratum of the matter. As records now placed before the Court reflect, the only reason why the UGC had clamped down on KSOU is that it was running ACIS with the technical courses through the franchisees and study centres all over India. There is absolutely no material placed regarding 'In-House System' students like the petitioners who have taken non technical courses, as to whether in regard to the course taken by them there was any infraction of the substantive provisions of UGC Act, 1956 or its Regulations, 1985 having a bearing on the academic standards. Therefore, with the materials now placed before the Court by the learned counsel for the UGC there is nothing to infer that any substantial provisions or UGC Act, 1956 or Regulations thereunder



was violated by KSOU in running its 'In-House System' imparting instructions for non technical course during Academic Years 2013-14 and 2014-15. The principal pre-condition for denying "ex post facto approval" postulated by Hon'ble Supreme Court in the said decision is the violation of mandatory substantial provisions of the UGC Act, 1956, which has a bearing on maintenance of academic standards by the University, in this case KSOU vis-à-vis the courses taken by the petitioners. Therefore, these courses being non technical in nature imparted through 'In-House System' UGC is required to reddecide the entire question within a reasonable time frame and take a decision as to whether any disability should attach to the qualification earned by these petitioners under the provisions of KSOU Act, 1992 and statues and ordinances framed thereunder.

26. In view of the above, these writ petitions are entitled to succeed in terms as below and I proceed to pass the following:

"ORDER

(1) Issue a writ of mandamus directing the KSOU to issue marks cards and degree certificates to these petitioners, if the petitioners or such among them have undergone the courses prescribed and passed the examinations in terms of KSOU Act, 1992, statutes and ordinances framed thereunder within a period of 2 months.



(2) Issue a writ of mandamus to State of Karnataka or KPSC, as the case may be, or to both, to consider the applications of such of the petitioners as have obtained marks cards and degree certificates in terms of (1) above for the purpose of employment under the State of Karnataka and its instrumentalities.

(3) Issue a writ of mandamus to UGC to consider the cases of the petitioners, who have taken the courses as indicated in the writ petitions through instructions imparted by ODL and In-House System of KSOU during the Academic Years 2013-14 and 2014-15 in accordance with law after holding enquiry regarding violations of any substantial provisions of the UGC Act, 1956 and UGC Regulations, 1985, for the specific purpose of ascertaining whether KSOU has committed any infraction in imparting instructions, which has bearing on the maintenance of academic standards.

(4) The enquiry shall be finalized within 6 weeks after giving full opportunity to KSOU to place all the necessary material before the Enquiring Committee of UGC.”

7. The said judgment has not been challenged. The directions issued by the Hon'ble High Court in the above judgment in paragraph No. 26 are relevant and on perusal it is evident that even though the judgment pertains to in-house candidates, the conclusion No. 3 is with respect to an ODL candidate, it shall also be applicable to the petitioner.
8. Thus, the petition is allowed and the respondent No. 3 is directed to grant a degree to the petitioner having passed the examination in the



academic session 2013-14, which shall be duly recognized by the respondent No. 1/UGC, expeditiously and not later than 6 weeks from today.

9. The petition is disposed of in aforesaid terms.

JASMEET SINGH, J

APRIL 29, 2026/sp