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IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

Reserved on: 07.03.2025
Pronounced on: 09.04.2025

Sr. No.	*Case Number*	*Title of the case*
1.	*LPA-1843-2019*	*STATE OF PUNJAB AND ANOTHER Vs KARAMJEET KAUR*
2.	*CWP-2438-2021*	*KOMILA CHOPRA Vs STATE OF PUNJAB AND ANOTHER*
3.	*LPA-116-2021*	*PUNJAB SUBORDINATE SERVICES SELECTION BOARD Vs KAMAL KRISHAN AND OTHERS*
4.	*LPA-129-2021*	*SUBORDINATE SERVICES SELECTION BOARD Vs KULDEEP SINGH AND OTHERS*
5.	*LPA-157-2021*	*STATE OF PUNJAB AND ANOTHER Vs HARVINDER SINGH AND ANOTHER*
6.	*LPA-164-2021*	*STATE OF PUNJAB AND ANOTHER Vs JATINDER KAPOOR AND OTHERS*
7.	*LPA-128-2021*	*STATE OF PUNJAB AND ANOTHER Vs RAVINDER SINGH AND OTHERS*
8.	*LPA-197-2021*	*STATE OF PUNJAB AND ANOTHER Vs AMANDEEP AND OTHERS*
9.	*LPA-198-2021*	*STATE OF PUNJAB AND ANOTHER Vs GURNAM SINGH*
10.	*LPA-2003-2019*	*LAKHVIR SINGH AND OTHERS Vs STATE OF PUNJAB AND OTHERS*
11.	*LPA-213-2021*	*STATE OF PUNJAB AND ANOTHER Vs SILVI*
12.	*LPA-242-2021*	*STATE OF PUNJAB AND OTHERS Vs TALWINDER SINGH BUTTER AND OTHERS*
13.	*LPA-293-2021*	*DIRECTOR DEPARTMENT OF EDUCATION AND OTHERS Vs PURNEET KAUR*
14.	*LPA-314-2021*	*SUBORDINATE SERVICES SELECTION BOARD PUNJAB AND ORS Vs SANDEEP KUMAR*
15.	*LPA-381-2021*	*STATE OF PUNJAB AND ANOTHER Vs ANOOP SINGH*
16.	*LPA-606-2020*	*STATE OF PUNJAB AND ANOTHER Vs NEERU BALA AND OTHERS*

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17.	*LPA-654-2020*	*STATE OF PUNJAB AND OTHERS Vs AMANDEEP SINGH AND ANOTHER*
18.	*LPA-800-2020*	*SUBORDINATE SERVICES SELECTION BOARD, PUNJAB AND OTHERS Vs GAGANDEEP MEHTA AND ANOTHER*
19.	*LPA-856-2020*	*STATE OF PUNJAB AND OTHERS Vs GURVINDER PAL SINGH*
20.	*LPA-857-2020*	*SUBORDINATE SERVICES SELECTION BOARD AND ANOTHER Vs SUKHCHAIN SINGH*
21.	*LPA-465-2021*	*STATE OF PUNJAB AND ANOTHER Vs SUKHDEV SINGH AND OTHERS*
22.	*LPA-466-2021*	*STATE OF PUNJAB AND ANOTHER Vs SUKHDEV RAJ*
23.	*LPA-500-2021*	*SUBORDINATE SERVICES SELECTION BOARD, PUNJAB AND OTHERS Vs JAGJEET SINGH*
24.	*LPA-501-2021*	*SUBORDINATE SERVICES SELECTION BOARD, PUNJAB AND ANOTHER Vs SANDEEP SINGH KAURA*
25.	*LPA-503-2021*	*SUBORDINATE SERVICES SELECTION BOARD PUNJAB Vs RAJINDER KUMAR AND OTHERS*
26.	*LPA-521-2021*	*SUBORDINATE SERVICES SELECTION BOARD Vs HARBANS LAL AND OTHERS*
27.	*LPA-529-2021*	*STATE OF PUNJAB AND ANOTHER Vs NIRVAIR SINGH AND ANOTHER*
28.	*LPA-530-2021*	*THE SUBORDINATE SERVICES SELECTION BOARD Vs DEEPAK AND OTHERS*
29.	*LPA-533-2021*	*STATE OF PUNJAB AND ANOTHER Vs DHEERAJ KHURANA AND OTHERS*
30.	*LPA-561-2021*	*STATE OF PUNJAB AND ANOTHER Vs PUNAM ARORA AND OTHERS*
31.	*CWP-27015-2021*	*RANJIT KAUR Vs STATE OF PUNJAB AND OTHERS*
32.	*LPA-450-2021*	*TANBIR SINGH Vs STATE OF PUNJAB AND OTHERS*
33.	*LPA-1105-2021*	*MALKEET SINGH Vs STATE OF PUNJAB AND OTHERS*

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34.	*LPA-645-2023*	*STATE OF PUNJAB AND OTHERS Vs VANITA VERMA AND ANOTHER*
35.	*LPA-516-2025*	*STATE OF PUNJAB AND OTHERS Vs SUKHWINDER SINGH*

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR
HON'BLE MR. JUSTICE VIKAS SURI

Argued by: Mr. Gagneshwar Walia, Addl. AG, Punjab.

Mr. Vikas Singh, Advocate
for the petitioner in LPAs-450 and 1105-2021.

Mr. Sudhir Sharma, Advocate
for the petitioner in CWP-27015-2021.

Mr. D.S.Patwalia, Sr. Advocate assisted by
Mr. Gaurav Rana, Advocate
for the appellant in LPA-2003-2019.

Mr. Lupil Gupta, Advocate
for the petitioners in LPA-1843-2019 and CWP-2438-2021
and for respondent No.8 in LPA-561-2021.

Mr. Kapil Kakkar, Advocate and
Mr. Shreesh Kakkar, Advocate
for the respondents in LPA-129-2021.

Ms. Alka Chatrath, Advocate and
Mr. Nikhil Singh, Advocate
for the respondents
in LPAs-381, 128, 197, 198, 533 of 2021 and 856-2020.

Mr. R.S.Bajaj, Advocate for the applicants in CMs-95-96-LPA- 2021 in LPA-1843-2019.

Mr. B.S.Rana, Sr. Advocate assisted by
Mr. Manav Dhull, Advocate
for respondent No.3 in LPA-128-2021.

Mr. Amit Kumar Ganga, Advocate
for respondent No.1 in LPA-157-2021.

Mr. Anurag Goyal, Advocate and
Mr. Amit Rao, Advocate
for the respondent in LPA-529-2021.

Mr. Vipin Mahajan, Advocate and
Ms. Chandanpreet Kaurah Lawalia, Advocate

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for respondent No.1 in LPA-116-2021.

Mr. Arshdeep Singh, Advocate for
Mr. Tarun Vir Singh, Advocate
for the respondent-UGC.

Mr. Ritesh Aggarwal, Advocate
for the respondents in LPAs-857-2020, 213, 465, 213 & 501-2021.

Mr. Vaibhav Narang, Advocate
for respondent No.3 in LPA-242-2021.

Mr. Charanpal Singh Bagri, Advocate
for respondent in LPA-293-2021.

Mr. Sonu Bhatia, Advocate for
Mr. Madhav Pokhrel, Advocate for respondents No.5 in LPA-561-20221 and for respondent No.8
in LPA-606-2020.

Mr. Dheeraj Mahajan, Advocate
for respondent No. 4 in LPA-516-2025.

Mr. Ankit Bhardwaj, Advocate with
Mr. B.S.Jaswal, Advocate
for the respondent in LPA-466-2021.

Mr. S.S.Sarwara, Advocate
for respondents No.1 and 2 in LPA-645-2023.

Mr. Khushika Setia, Advocate
for the respondent in LPA-1843-2019.

Mr. A.K.Walia, Advocate
for the Caveator in LPA-157-2021.

Mr. Rajiv Atma Ram, Sr. Advocate assisted by
Mr. Ranjit Singh Kalra, Advocate and
Ms. Shreya Kaushik, Advocate
for the respondents in LPAs-1843, 2003-2019, 242, 606, 465, 503, 521, 529, 561-2021.

Mr. Anurag Chopra, Addl. AG, Punjab in
LPAs-856-2020, 197, 213, 242, 381-2021.

Mr. Prabhat Kashyap, Advocate
for private respondents in LPAs-654-2020, 530 and 800-2021.

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SURESHWAR THAKUR, J.

1. Since all the instant letter patent appeals (supra) besides the writ petition(s) (supra) herein involve common questions of facts and law, as such, they are liable to be decided through a common verdict.

2. For the sake of brevity, the facts of the lead appeal i.e. **LPA No. 1843 of 2019** are being taken here for deciding the instant controversy.

Factual Backdrop of the case.

3. Initially, a **CWP No. 11049 of 2017** titled as **Karamjeet Kaur Vs. State of Punjab and Another** became filed before this Court, whereins, the writ petitioner thereins sought regularization of her service alongwith all consequential benefits.

4. An advertisement was issued in the year 2011 for filling up 3442 vacancies of Masters in various subjects. The petitioner was vide order dated 31.12.2012, thus appointed as Punjabi Mistress against the apposite post(s) on contractual basis. The Government issued a notification/order dated 03.08.2015 (Annexure P-3), wherebys, it was directed to regularize the services of the employees (master and mistresses) on completion of three years of their contractual service. The claim of the petitioner herein for being regularized was rejected by the Department concerned, thus on the ground, that the petitioner had acquired her M.Ed. qualification through Non-Conventional Mode/Distance Education mode, from the Vinayaka Misson University in the Session 2009-2011.

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5. The said writ petition became allowed vide order dated 06.06.2019 and the services of the petitioner therein, was regularized from 02.04.2016 as Pujabi Mistress, from the date when similarly situated persons/junior persons, became regularized in service alongwith all consequential benefits, besides in the verdict made on the said writ petition, in paragraph No. 52 thereof, the hereinafter extracted parameters/directions were made with regard to the degrees (non-technical) as became acquired through Distance Education Mode.

PARAMETERS / DIRECTIONS WITH REGARD TO DEGREES (NON-TECHNICAL) THROUGH DISTANCE EDUCATION MODE

52*. Upon consideration of facts, developments and change in distance education policies over the time and the findings recorded under different heads from HEAD "A" To "G" following parameters/directions are issued:-*

(i) In case of Deemed Universities and Private Institutions (other than Universities) the cut-off date with regard to territorial jurisdiction and study centre will be ***29.3.2010****, all admissions made prior to 29.3.2010 to obtain degrees awarded through use of study centres, off-campus centres of Deemed Universities and Private Institutions (other than Universities) will be valid, subject to the statutes/ MOA (Memorandum of Association) of University permitting opening up of Centres in the territory from which it was operating or permits opening up of centres at any place where there are reasonable concentration of students (as permitted by UGC in 1985 Regulations, Annexure P-34).*

(ii) In case of State Universities (both Government funded or Private funded) the cut-off date will be ***1.11.2012*** *, therefore all admissions made prior to 1.11.2012 to obtain degrees awarded through use study centres/off campus centres of State Universities or Private Universities will be valid, subject to the statutes/ MOA of University permitting opening up of Centre in the territory from which it is operating or permits opening up of centres at any place where there are reasonable concentration of students (as permitted by UGC in 1985 Regulations, Annexure P-34).*

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(iii) The qualifications attained after the cut-off date mentioned above will stand de-recognised for all purposes. However as opening up of study centers was permitted after prior approval from UGC, it is clarified that even after the cut-off date if the qualification attained through distance education mode from Institutions (other than University) / Universities (Central University, State University, Deemed University or Private University) is in consonance with the regulations/ notifications/policies of DEC/ UGC with regard to territorial jurisdiction and study centres prevailing at the relevant time and the study centre is approved by the UGC, then the qualification will be recognised and valid. This observation has been made due to lack of complete Information before this Court, as no list of approved study centres has been brought before this Hon'ble Court.

(iv) With regard to First degrees awarded by Universities [including Central Universities, State Universities, Private Universities, Deemed Universities] by way of Distance Education in the faculties of Arts, Humanities, Fine Arts, Music, Social Sciences, Commerce and Sciences are concerned, the same shall be valid in light of the 1985 regulations (Annexure P-34) permitting imparting education though distance mode via study centres, subject to being admitted in the University prior to the cut-off date mentioned above in para no. (i) & (ii) of parameters laid above, as the case may be.

(v) With regard to Post graduation degrees awarded by way of distance education in non-technical field (such as Arts, Humanities, Fine Arts, Music, Social Sciences, Commerce and Sciences etc.) in cases where Institutional Recognition has been granted, if the qualification is in terms of MOA (Memorandum of Association) / Acts/ Statute of the University viz the field of specialization and the degree is notified under Section 22 of the UGC Act (List of degrees specified under Section 22 of UGC Act is on record as Annexure P-38) the same shall stand validated, subject to being admitted in the University prior to the cut-off date mentioned above in para no. (i) & (ii) of parameters laid above, as the case may be.

(vi) With regard to post graduation degrees awarded by way of distance education in Non-Technical Field (such as Arts, Humanities, Fine Arts, Music, Social Sciences, Commerce and Sciences etc.) where programme wise recognition has been granted, only those qualifications will be valid which have been mentioned in the list of approved/recognised qualifications,

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subject to being admitted in the University prior to the cut-off date mentioned above in para no. (i) & (ii) of parameters laid above, as the case may be.

(vii) The qualifications which have been held to be valid above be treated as at par with the degrees awarded by way of conventional mode/ regular mode of education.

(viii) The State Government is directed to take necessary action in terms of the above findings within a period of 6 months from the date of receipt of certified copy of the order. The State government can verify the recognition list [whether University (Central, State, Deemed or Private) /Institution (other than University) had "Institutional Recognition"at particular time or "Programme-wise Recognition"] uploaded by the Distance Education Bureau, UGC on its website, which is also on record as Annexure P-57. Further the State government can also verify as to whether degree has been mentioned in the list of degree specified under Section 22 of UGC Act or not from the list uploaded on the website of UGC which is also on record as Annexure P-38. With regard to Memorandum of Association, Act and Statutes of the universities, the State government can obtain the same from the students whose cases are pending at the level of the government or from the concerned universities or from the UGC.

(ix) The State government after completing the exercise in terms of Para No. (viii) hereinabove would start a portal/webpage/ website wherein information with regard to recognition of different types of degrees from various universities is uploaded, so that not only general public is aware with regard to recognition of degrees, but also uniformity & transparency can be maintained with regard to implementation of the aforesaid directions, in all the departments of the State Government right down till the field level.

For clarity an illustration is being given hereunder:-

To verify the qualification of a candidate who has attained qualification of M.A. through distance education mode from a University in Rajasthan having centre in Punjab, the state will firstly check the status of the University viz if the university is a Deemed University then cut-off date mentioned above in para no. (i) of parameters laid above will be applicable and in case of state universities and private universities cut-off date mentioned above in para no. (ii) of parameters laid above will be applicable.

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In case the candidate has got admission in the course after the cut-off date, the same shall be invalid, however if he was admitted in the course prior to the cutoff date in that case the state will then verify the statutes/MOA of the University and if the degree is in the field mentioned in the statutes/ MOA and is also mentioned in the list of degree specified under Section 22 of the UGC, then the qualification will be considered as valid subject to the territory from which University is operating is in consonance with the Acts/ Statutes / MOA of the University. As in the present Illustration if in the statutes/MOA of University field of Arts is mentioned and the degree of M.A. is also mentioned in the list of degree specified under Section 22 and in the Statute/ MOA of University it is mentioned that territorial jurisdiction of University is throughout the territory of India or that it can open centres where ever there are reasonable concentration of students, then the qualification attained from centre at Punjab shall be considered as valid.

(x) In view to reduce litigation and hardship of the candidates/ students liberty is being granted to all the students/candidates who will be affected on account of non-compliance of the aforesaid directions, by the State Government, to adopt appropriate recourse of law including filing of the contempt petition.

(xi) It is clarified for all purposes, that the candidates whose degree will stand invalidated in view of the parameters mentioned above, all benefits secured by such candidates/ employees shall stand withdrawn, however if any monetary benefit has been drawn such as salary etc. the same shall not be recovered. In such cases the employees /candidates will be at the liberty to take appropriate action, as available under law, so as to recover the amount paid towards tuition fees, expenditure incurred, damages etc. etc. from the University/ Institution concerned. The above said direction is being given on the lines of directions, in similar situation issued by the Hon'ble Supreme Court of India in paragraph 53 (vii) of the judgment reported as ***2017 (4) SCT 683: 2017 AIR (SC) 5179*** *titled as* ***Orissa Lift Irrigation Corp. Ltd V. Rabi Sankar Patro***.

However this Court considering the hardships to be faced by the employee for no fault of his and who on the basis of the above said qualification which is not in terms of the aforesaid parameters, had secured jobs (on regular basis/ permanent basis as per Recruitment Rules) and had settled in their life and have attained ample experience while performing the

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duties on the post which he/ she is holding for a substantial period of time, considers it appropriate that a one-time concession be granted to the effect, that the persons who are already in job on the basis of the qualification which might be invalidated on account of above said directions, be permitted to continue in job, but in the cases where the qualification if invalidated was essential qualification to hold the post, they shall not be granted any further benefits, viz promotion etc. etc. In the cases where qualification which does not fulfil the above said parameters is not an essential qualification and has been utilized only for securing higher marks at the time of selection, their case be treated separately as they fulfill the requisite qualification in terms of the statutory rules governing the post, therefore they will be entitled for all further benefits subject to that even in case of promotion the qualification so invalidated is not an essential qualification.

Similarly in cases where an employee was recruited on temporary basis after due selection process based upon distance education degrees (now invalidated in view of the parameters laid above) but has been denied regularization of services on account of such distance education degrees despite otherwise being eligible, suitable for regularization, while other persons recruited along with such employee have been regularized in service, in such cases benefit of regularization be extended if the qualification (attained through distance education mode) so invalidated is not an essential qualification to hold the post in terms of statutory rules and is an additional qualification which may have been used for attaining additional marks at the time of initial selection. All benefits of service will be extended as have been granted to other employees recruited in the same selection or appointment made at the same time. However, if the qualification from distance education mode (which now stands invalidated in view of above parameters) is essential qualification to hold the post, in that case NO benefit will be granted including benefit of regularization. It is so being laid down as temporary employee has no vested right to hold the post.

Note:-

(a) It is clarified that, in case where the respondent State did not consider any person for appointment by way of direct recruitment or by promotion on account of possessing qualification through distance education mode, but has been issued orders pursuant to interim orders issued by the Hon'ble Court or has been issued conditionally subject to outcome of any

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petition pending before the Hon'ble Court, in that case concession granted hereinabove will not be extended. The concession has been given on the rationale that there was complete disclosure on part of employee and state having found eligible, permitted employee to work for a considerable period, irrespective of holding a distance education degree.

(b) In a situation where the graduation or post-graduation has been attained through distance education mode and higher qualification has been attained through normal mode/conventional mode but his graduation or postgraduation degree attained through distance education mode stands invalidated in view of the aforesaid parameters, then the higher qualification attained on the basis of the degree so invalidated will also stand invalidated, as illegality at the original/ foundation stage being a nullity cannot be cured by subsequent acquisition of valid higher degree based upon such invalid degree. It is well settled that in case of foundation being a nullity the whole edifice constructed thereupon has to fall. This view finds support from the law laid down by the Hon'ble Apex Court in the case of ***M.P. State Coop. Bank Ltd., Bhopal v. Nanuram Yadav 2007 (4) SCT 464*** *and by this Court in* ***Jagir Singh v. State of Haryana reported as 2006 (7) SCT 386****.*

(c) Needless to say, that in case where candidate has obtained a degree by attending the PCPs and has undertaken exams in the main campus or within the State where the University (as defined under Section 2 (f) and Section 3 of UGC Act) is situated, in that case their degree shall be valid, as no question of territorial jurisdiction arises. This is subject to the University, having recognition to impart education in such field (at the time of institutional recognition, MOA/Statutes of University permits imparting education in such field and at the time of programme-wise recognition such course had been permitted)."

6. The summarization of principles as embodied in paragraph No. 52 of the judgment (supra) are inter alia that :

a) <u>All admissions made prior to 29.03.2010 to obtain degrees</u> being awarded through use of study centres, off-campus centres of deemed Universities and Private Institutions (other than Universities) shall be valid subject to the statutes/Memorandum of Association of Universities permitting opening of Centres in the territory from which it was operating or

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permits opening up of centres at any place where there are reasonable concentration of students.

b) <u>All admissions made prior to 01.11.2012 to obtain degrees</u> being awarded through use of study centres/off-campus centres of State Universities or Private Universities shall be valid subject to the statutes/Memorandum of Association of such Universities permitting opening of Centres in the territory from which it was operating or permits opening up of centres at any place where there are reasonable concentration of students.

c) The qualifications attained after the cut-off date (supra) will stand de-recognized for all purposes. Further, it was declared thereins that even after the cut-off date, if the qualification attained through distance education mode from Institutions (other than University)/ Deemed University or Private University is in consonance with the regulations/notifications/policies of Distance Education Council/University Grants Commission with regard to territorial jurisdiction and study centres prevailing at the relevant time and the said study centre is approved by the UGC, then the acquired qualification will be recognized and is valid.

d) The first degrees awarded by Universities (including Central Universities, State Universities, Private Universities, Deemed Universities) by way of Distance Education in the faculties of Arts, Humanities, Fine Arts, Music, Social Sciences, Commerce and Sciences shall be valid in the light of the 1985 regulations of the UGC, wherebys, education through distance mode via study centres has been permitted. However, the said degrees shall be valid subject to admission in the University prior to the cut off date mentioned in the supra paragraphs.

e) Now in respect to post graduation degrees awarded by way of distance education in non-technical field, in cases where institutional

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recognition has been granted besides if the qualification is in terms of Memorandum of Association/Acts/Statute of the University vis-a-vis the field of specialization and the degree is notified under Section 22 of the UGC Act, the same shall stand validated subject to being admitted in the University prior to the cut-off date (supra).

f) Similarly, with regard to post graduation degrees awarded by way of distance education in non-technical field, where programme wise recognition has been granted, only those qualifications shall be valid which have been detailed in the list of approved/recognized qualifications but subject to being admitted in the University prior to the cut – off date mentioned (supra).

g) Further, it was declared that the qualifications which have been held to be valid above shall be treated as at par with the degrees awarded by way of conventional mode/regular mode of education.

h) Moreover, it was directed that the State Government can verify the recognition list uploaded by the Distance Education Bureau, UGC on its website. In addition, the State Government can also verify as to whether the degree has been mentioned in the list of degree specified under Section 22 of the UGC Act or not from the list uploaded on the website of UGC besides with regard to the Memorandum of Association, Act and Statutes of the Universities, the State Government can obtain the same from the students whose cases are pending at the level of the Government or from the concerned Universities or from the UGC.

i) Furthermore, in terms of sub para (ix) of paragraph No.52 of the judgment (supra), a direction was made upon the State Government, to after completing the exercise in terms of para (viii), it would

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start a portal/webpage/website wherein information with regard to recognition of different types of degrees from various universities is uploaded.

7. Feeling aggrieved from the afore said verdict, the appellant-State of Punjab, has filed thereagainst the instant letter patent appeal(s) before this Court.

8. Moreover, the writ petitioner(s) (**in CWP-2438-2021 and CWP-27015-2021**) claim that, their qualification as became obtained through distance mode education, be declared to be a validly obtained qualification, and, further pray for a mandamus being passed upon the authority concerned to accordingly issue them appointment letters.

9. Further, the appellants **(in LPA-2003-2019)** are aggrieved from the findings rendered by the learned Single Judge, in the impugned judgment, wherebys, it has been held, that the qualifications acquired by an employee after 29.03.2010 (through distance mode) rather acquire no validity, thus while relying upon a notification dated 29.03.2010 (Annexure P-51).

10. The appellant (**in LPA- 450-2021**) is aggrieved by the impugned verdict dated 20.04.2021 passed by the learned Single Judge, wherebys, the writ petition became dismissed, thus on the ground that the petitioner was found to be lacking the minimum educational qualification, as, required for the appointment concerned.

11. The appellant (**in LPA-1105-2021**) becomes aggrieved by the impugned verdict dated 20.04.2021, passed by the learned Single Judge, wherebys, the writ petition became remanded for passing a fresh

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order after taking into considerations the parameters/directions issued in **Karamjeet Kaur's case** (supra).

Grounds of Appeal filed by the State of Punjab.

12. (i) That while allowing the above said writ petition, the Ld. Single Judge, has completely ignored the factual as well as the settled legal position, as borne in the provisions of Order 1 Rule 10 CPC, wherebys, it becomes mandatorily enjoined, that both just and necessary party(ies) become arrayed as such for a just and fair adjudication becoming made on the *lis*. The interpretation given by the Ld. Single Judge is merely reduced to an academic exercise, as the State was not in a position to either put forth, the stand of the University Grants Commission (UGC)/ Distance Education Council (DEC), nor was it in a legal position to defend the various policies instructions/ letters issued by the UGC, especially without the UGC becoming impleaded as a necessary party.

(ii) The learned Single Judge has completely ignored the pleadings put forth by the appellants in the writ petition, to the extent that, the claim of the petitioner for regularization had been rejected, on the ground, that she had acquired her post-graduate qualification, through distance mode from the University, which was not authorized to conduct courses through study centres located beyond the territorial jurisdiction of such University. Resultantly, there was no requirement for recognizing those degrees which were obtained prior to the cut off date and for de-recognizing those degrees which were acquired post the cut off date. Hence, the degree of M.Ed of the petitioner therein was

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invalid. After deducting the marks of this degree, her merit score i.e. 53.14 was lesser than the last selected candidate in general category with merit score 53.635. Hence, she fell out of the selection zone.

(iii) That Learned Single Judge while allowing the writ petition of the petitioner has failed to appreciate the fact, that the main issue involved in the present case, is the, appraisal of the guidelines issued by the University Grants Commission, New Delhi, whereins, as per the extant policy of the UGC, the Universities/ Deemed Universities, cannot conduct courses through distance education without the approval of the specific courses and further that these Deemed Universities are unauthorized to conduct courses through study centres beyond their territorial jurisdiction. The petitioner in the present case had appeared in the examination centre in the year 2009-11, which was outside the territorial jurisdiction of her University i.e. Vinayaka Mission University.

(iv) The Ld. Single Judge has erred in law by interpreting the Act establishing the UGC, as well as the Indira Gandhi National Open University Act, 1985, which are statutes laying down the standards, thus for open university(ies) and distance education, as well as, the existing policies and guidelines of the UGC, but without even hearing or giving an opportunity of hearing to the UGC, whose guidelines and policy(ies) are merely being implemented by the department(s) of the appellants-State of Punjab.

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Inferences of this Court.

13. Initially, there is no material placed on record, suggestive that the State Government has complied with the directions borne in sub para (ix) of paragraph No. 52 of the impugned judgment, wherebys, a portal/webpage/website was required to be started, wherein, information was to be uploaded, thus with regard to recognition of different types of degrees from various universities nor any material has been put forth suggestive, that the authorities concerned have verified the degrees obtained by the writ petitioner(s) herein through distance education mode.

14. The lack of the supra evidence, but, manifests that at this stage, qua thus without the makings of the apposite verifications vis-a-vis the degrees obtained by the writ petitioner(s) rather being infected by the vice(s) of fraud, whereupons, they may not be amenable to be declared to be vitiated on the said score.

15. The argument raised before this Court by the learned Additional Advocate General, appearing on behalf of the State of Punjab, that for want of impleadment of the University Grants Commission rather in the array of respondents, therebys, when the norm qua the essentiality of impleadment of the said just and proper party to the *lis,* rather becoming breached, thus, also resulting in want of adherence to the principles of natural justice, but is an argument which warrants rejection and is as such rejected.

16. Even otherwise the said arguments looses its vigor on the trite factum, that in various writ petition(s) i.e. LPA No.465, 503, 521

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and 529 of 2021) the University Grants Commission, was impleaded as a party and after notice being issued to the University Grants Commission, though an appearance was made on behalf of the University Grants Commission, but yet subsequently no reply to the averments made in the writ petition become furnished by the UGC. Moreover, no appeal till date has been preferred by the UGC against the decision passed by this Court in **Karamjeet Kaur's case (supra),** wherebys, conclusivity is acquired to the said verdict, especially appertaining to the recognition of degrees obtained by the employees concerned but with prescription therein of a cut off date, prescription whereof for reasons assigned hereafter is untenable.

17. The effect of lack of the counsel engaged by the UGC, to post, his putting in appearance on behalf of the UGC in writ petition(s) (supra), thus, file an effective response to the averments made in the writ petition(s) but naturally, is that, the University Grants Commission, waiving and abandoning its right, thus to contest the averments in the writ petition(s) (supra). The further consequence thereof, is that, the University Grants Commission, also acquiescing to the validity of the averments and also waiving the right to contest the reliefs ventilated in the writ petition. Resultantly therebys this Court finds no strength in the argument raised before this Court by the learned Additional Advocate General, Punjab, that for want of impleadment of the UGC, despite it being a necessary party, therebys, the impugned judgment suffers from invalidity.

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18. Conspicuously also there is no material placed on record that the Deemed University(ies)/Private Institutions/State Universities were neither affiliated nor become recognized by the UGC. As such, with no dispute emerging with respect to the validity of the recognition or affiliation endowed qua the Deemed university(ies)/Private Institutions/State Universities, thus by the UGC.

19. Therefore, the only issue which is to be resolved appertains to the validity of the UGC, thus guidelines mandating that even upon adoptions of remote distance learning by the students concerned, thus there was any requirement for study Centres being located outside the territorial jurisdiction of the Deemed university(ies)/Private Institutions/State Universities and/or if they did so become established whether prior approval thereto was required.

20. Moreover, the further issue which requires to be resolved appertains to the undertakings of the examination(s) by the students who adopted the remote distance learning, thus at those examination centres which became located outside the territorial domain of the Deemed university(ies)/Private Institutions/State Universities.

21. Furthermore, since the issue involved in the said writ petition(s) is also analogous to the issues involved in the other connected writ petition(s), therebys, the effect of active waiver(s), abandonment(s) as became indulged into by the University Grants Commission, besides the effect of acquiescence(s) of the University Grants Commission, as manifested through the supra omission, but also makes the connected writ petition(s), to become covered by the

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principles of waiver, estoppel and acquiescence. In sequel, therebys, the University Grants Commission rather is deemed to accept the validity of the averments besides also is deemed to accept the reliefs canvassed in the instant connected bunch of writ petition(s). Moreover reiteratedly therebys, no ground can be agitated before this Court by the learned Additional Advocate General appearing on behalf of the State of Punjab, that on account of non impleadment of University Grants Commission, there is non adherence to the principles of natural justice nor he can argue that therebys the impugned judgment, is but, on the said ground rather required to be quashed and set aside, with an order of remand being made to the learned Single Bench concerned.

22. The appellants **(in LPA-2003-2019)** become aggrieved from the setting up of a cut off date in paragraph No. 52 of the impugned judgment, wherebys, the academic qualifications as obtained through the mode of remote distance learning or through the Indira Gandhi Open University or from the deemed Universities concerned, rather *ipso facto* became de-recognized, despite the fact that for all the supra stated reasons, the University Grants Commission, waiving, abandoning rather acquiescing to the validity of the averments, and, also qua the reliefs agitated in the writ petition(s) concerned.

23. Moreover, for an incisive analysis in respect thereof being made, it is apt to refer to the relevant notification(s), to which respectively Annexure P-51 and Annexure P-53 becomes assigned. The relevant contents of the said notification(s) become extracted hereinafter.

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Annexure P-51

INDIRA GANDHI NATIONAL OPEN UNIVERSITY

Prof. Manjulika Srivastava

Director *F.No. DEC/2010*

Dated : 29.03.10

NOTIFICATION

Sub: Territorial Jurisdiction in offering programmes through distance

mode-reg.

The council in its 28th meeting held on 23rd March, 2007, had decided that the jurisdiction for offering programmes through distance mode will be as per the Acts and Statutes of the concerned university. However, In the ninth Joint Committee of UGC-AICTE & DEC held on 17.08.2009, regarding territorial jurisdiction for offering programmes through distance mode, it was decided that the latest UGC notifications will prevail over all previous notifications and circulars of the DEC.

On the requests received from various institution offering programmes through distance mode requesting DEC to reconsider its decision on territorial Jurisdiction the matter was referred to the Council for its consideration. In Its 35th meeting the Council noted that distance education and online education cannot have territorial jurisdiction. Further, it was decided that in case of Central Universities and the State Universities, the Territorial Jurisdiction will be as per the Acts and Statutes for offering programmes through distance mode. The territorial jurisdiction in case of Deemed Universities will be as per UGC, which mandates the prior approval of the UGC for opening Centres/off Campus Centres outside the Headquarters. The territorial Jurisdiction is case of private Institutions (other than universities) will be as decided by the Joint Committee.

This is issued with the approval of the Chairman, DEC.

Annexure P-53

DISTANCE EDUCATION COUNCIL
INDIRA GANDHI NATIONAL OPEN UNIVERSITY

F.No.DEC/Notification/40.5/2012
Dated : 01.11.2012

NOTIFICATION

Sub : Policy on Territorial Jurisdiction – regarding

The Distance Education Council in its 40th meeting held on 08.06.2012 has decided on the policy of territorial jurisdiction in respect of the open and distance learning institutions which is stated as under;

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In case of Central Universities, the Territorial Jurisdiction will be as per their Acts and Statutes for offering programmes through distance mode.

In case of State Universities (both government funded & private), the Territorial Jurisdiction will be as per their Acts and Statutes but not beyond the boundaries of their respective states.

In case of Deemed to be Universities, the Territorial Jurisdiction will be as per the notification of Government of India to accord them this status until a policy decision is taken by the UGC.

The Territorial Jurisdiction in case of Private Institutions (other than Universities) will be headquarters. In case any such institution desires to offer programmes beyond its headquarters then it should establish its new institutions as per norms.

The study centres are simply facilitators in programme delivery. No University/Institution will be allowed to franchise Study centres, the Universities/Institutions will have to operate the study centres themselves.

This is for information and adherence by all concerned.

24. Though, from a reading of the above extracted contents, as occur in Annexure P-51, it emanates that distance education and online education rather cannot have territorial jurisdiction, but yet it became ordained therein, that in case of Central Universities and the State Universities, the Territorial Jurisdiction will be as per the Acts and Statutes by offering programmes through distance mode. Moreover, it was also ordained that the territorial jurisdiction in case of Deemed Universities will be as per the UGC guidelines, besides thereins mandate(s) occur, that the prior approval of the UGC rather is necessary, thus for the opening of Study Centres/Off Campus Centres outside the Headquarters concerned.

25. Further, from a reading of the contents of Annexure P-53, it becomes revealed, that it also became decided, that in case of Central Universities, the territorial jurisdiction will be as per their Acts and Statutes. Moreover, in case of State Universities (both government

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funded & private), the territorial Jurisdiction, will be as per their Acts and Statutes but not beyond the boundaries of their respective states. Further, it became ordained that in case of Deemed Universities, the Territorial Jurisdiction will be as per the notification of the Government of India, wherebys, the said status becomes conferred upon such University(ies) and the apposite notification holding clout, thus until a policy decision is made by the UGC. Moreover, the Territorial Jurisdiction in case of Private Institutions (other than Universities) is ordained to be the headquarters concerned. In case any such institution desires to offer programmes beyond its headquarters, then it had to establish its new institution(s) as per norms.

26. In addition, it became declared that the study centres are simply facilitators in programme delivery. No University/Institution shall be allowed to franchise Study centres, and the Universities/Institutions will have to operate the study centres themselves.

27. Now, after making an interpretation of the above, since there is no evidence adduced on record suggestive, qua the study centres/examination centres housed within brick-and-mortar buildings, did become established outside the territorial jurisdiction of the Deemed university(ies)/Private Institutions/State Universities. Moreover, when there is also no evidence on record suggestive, that the supra established study centres/examination centres, did become so established, at the instance of the Deemed university(ies)/Private Institutions/State Universities concerned, rather without such

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Universities/Private Institutions becoming endowed valid affiliations by the Universities Grants Commission. Therefore, in the absence of the said evidence, *prima facie*, it appears that the State of Punjab, is ideally raising a contention for de-stabilizing the academic qualification(s) obtained by the students concerned from Deemed university(ies)/Private Institutions/State Universities concerned, who took to impart education through remote distance learning nor therebys any breach is made to the apposite thereto UGC guidelines.

28. Be that as it may, even if assumingly, the study centres/examination centres, as became purportedly housed within the precincts of brick-and-mortar buildings, did become purportedly established at the instance of the Deemed university(ies)/Private Institutions/State Universities, besides the supra becoming established outside the territorial jurisdiction of the deemed Universities, whereupon, the said established study centres/examination centres, may invite the embargo created by the relevant guidelines against theirs being so established. Nonetheless, the establishment(s) of the supra study centres/examination centres, when but naturally is antithetical to the concept of remote distance learning or remote distance impartings of education. Conspicuously when the norm thereof, is that, there is no requirement of attending physical classes at Study Centres, which become housed in brick-and-mortar buildings raised by the Deemed university(ies)/Private Institutions/State Universities concerned, thus beyond the apposite territorial domains. Significantly also, when the imperative apposite affiliations become granted by the University

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Grants Commission to the Deemed university(ies)/Private Institutions/State Universities for operating remote distance education. As such, the said concept is also completely irrational nor does it require any executory effectiveness.

29. It appears that the said has been created only for adding financial burden upon Deemed university(ies)/Private Institutions/State Universities to establish Study Centres outside the territorial jurisdiction of the apposite Headquarters. The said additional financial encumbrance but would cause immense financial strain upon the Deemed university(ies)/Private Institutions/State Universities and also would diminish the aspiration of the students to adopt the mode of acquiring academic qualifications, through remote distance learning from Deemed university(ies)/Private Institutions/State Universities, to which affiliation is granted by the UGC.

30. Resultantly there was no requirement of any approval to the said effect becoming granted nor also the condition relating to the study centres/examination centres, if were/are existing outside the territorial jurisdiction of the Deemed university(ies)/Private Institutions/State Universities, but requiring prior approval theretos by the UGC, thus has any rationale. The establishment of the examination centres outside the headquarters of the Deemed university(ies)/Private Institutions/State Universities naturally facilitates the students to undertake examination in proximity to their homes and as such the location of examination centres outside the headquarters, thus is in alignment with the concept of remote distance learning. Emphasizingly,

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the undertaking of examination(s), when but is the necessary precursor for academic qualification(s) becoming successfully obtained through remote distance learning. Resultantly in the Deemed university(ies)/Private Institutions/State Universities, purportedly without the requisite approval, thus establishing examination centres outside the territorial jurisdiction of the headquarters concerned, rather would but render unproductive the success of the students who undertake such examination(s). Nonetheless, the said has to be made subject to the condition that qua such examination centres, permission shall be henceforth sought and shall be granted by the District Administration concerned, besides subject to an adequate number of independent invigilators becoming appointed by the District Administration, thus for making a keen invigilation of the apposite examinations, so that, therebys the menace of mass cheating and mass copying becomes decimated besides when therebys the undertakings of the examination does not become a mere charade.

31. The concept of the remote distance learning, is through written text on the subjects concerned, becoming transmitted to the students concerned, besides also now in the age of electronic advancements, rather online imparting of instructions, to the students concerned, thus is the apt mode of remote distance learning. As such, online impartings of education to the students concerned, thus, naturally breaks the territorial barriers, wherebys, the said concept of remote distance learning, when rather is but analogous to remote working, therebys, it becomes the acceptable mode of undertakings of

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education by the students or even for rendition of employments through remote distance working by the employees concerned, as had happened during the pandemic and may now also be in existence in some of the countries. Naturally therebys, the academic interests of students, who opt for remote distance learning, through undertaking online classes, but naturally gets fully ensured to be protected as such.

32. In the face of the supra inferences, in case qua any want of permission being granted by the UGC to the Deemed university(ies)/Private Institutions/State Universities, which become validly affiliated to it, to operate online classes, but would be antithetical to the supra concept of remote learning, therebys, even if no challenge is made to the supra notification(s) on the ground, that it militates qua the right to education. Nonetheless, to the considered mind of this Court, the provision therein that post 29.03.2010 and 01.11.2012, the online remote education imparted by the Deemed university(ies)/Private Institutions/State Universities, through users of online study centres/Off Campus Centres outside the Headquarters concerned, yet requiring approval from the UGC, but is required to be quashed and set aside. However, the apposite verification(s) on a case to case basis be henceforth made to the extent, that such courses organized by the Deemed university(ies)/Private Institutions/State Universities, thus evidently are at the optimum/escalated scale of education, emphasizingly at par with par excellence institutions imparting such courses. The said verification shall also entail a necessity, that the UGC makes audit verifications with respect to the

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state of Art established apparatus' for the said purpose, thus by the appositely recognized Universities, wheretos also affiliation is granted by the UGC.

33. Resultantly therebys the cut off dates, as mentioned in the impugned judgment, wherebys, the degrees or qualification(s) (through use of online study centres/off-campus centres located remotely) obtained prior to 29.03.2010 (in case of deemed Universities and Private Institutions) and prior to 01.11.2012 (in case of State Universities both Government funded or private funded), thus becoming conferred recognition, whereas, subsequent to the cut off dates (supra), the educational qualifications acquired by the candidates concerned through the mode (supra) becoming de-recognized, but is required to be quashed and set aside, to the extent, that the academic qualifications acquired through remote distance learning under Deemed university(ies)/Private Institutions/State Universities are validly acquired qualifications. However, subject to the verification of the degrees being made by the Government Departments concerned/UGC.

34. Now, this Court is to examine the notification/policy(ies) relating to Distance Education Council (DEC)/ University Grants Commission (UGC), as appertain to the Deemed university(ies)/Private Institutions/State Universities, rather becoming forbidden to create study centres/examination centres outside the territorial jurisdiction of the Deemed university(ies)/Private Institutions/State Universities concerned. The said stipulation is an ill thought stipulation. The reason

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for making the supra inferences becomes sparked from the factum that it collides with the concept of remote distance learning. Moreover, it makes an ill impigning effect upon the acquisition of academic qualification(s) by the students who undertake examination(s) at study centres/examination centres located close to their homes, than theirs being driven to reach study centres/examination centres, which are located at the headquarters of the Deemed university(ies)/Private Institutions/State Universities concerned, especially when the supra may be remotely located from their respective homes'.

35. If the study centres/examination centres are as such easily accessible to the students, who undertake studies through online classes or through other modes of remote distance learning, therebys, the policy condition that such examination centres are to be necessarily located at the Headquarters of the Deemed University(ies)/Private Institutions/State Universities concerned, which may be remotely located from the homes' of the students concerned, wherebys, they may put to extreme trauma besides when therebys the pockets of marginalized students may become ill affected. As such, the conducting of examinations by the Deemed university(ies)/Private Institutions/State Universities at examination centres, closer to the homes of students, but dehors the fact that such study centres/examination centres may be located outside the territorial jurisdiction of the Deemed university(ies)/Private Institutions/State Universities concerned, thus naturally is an apt facilitator to the students/employees concerned. Naturally the supra also advances, the

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cause of education besides naturally facilitates the fundamental right to education. In case, the said constitutional right to education is snatched from the students through theirs being led to, in terms of the policy decision reach examination centres remotely located from their homes, therebys, the ire of the constitutional mandate rather purveying the right to education, thus would be attracted against such a policy stipulation.

36. Since there is no evidence, that there was any lack of proper invigilation at the examination centres located outside the territorial jurisdiction of Deemed university(ies)/Private Institutions/State Universities concerned, therebys, to yet score of the undertakings of examinations by the students at examination centres located outside the territorial jurisdiction of the Deemed university(ies)/Private Institutions/State Universities concerned, rather would be grossly arbitrary and unreasonable.

37. The further reason for stating so emanates, from the factum that since the validly run deemed Universities, who purvey remote or distance education to the students concerned, rather forward the purposeful effect of remote distance education becoming imparted to the students concerned, besides when the further well purpose thereof, thus is to ensure, that the hereinafter extracted aims and objectives of remote distance learning, as enumerated by ***Dr. Amaresh Chandra Sahoo***, **Faculty, Capital Law College, Bhbaneswar, Odisha**, published in ***International Journal of Development Research (Vol. 14, Issue, 01 pp. 64620-64622, January, 2024)*** also necessarily becoming

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fully potentialized, therebys also the said conclusion, does therebys get firmly augmented.

- *Distance education provides opportunities for higher education e.g. undergraduate courses, post-graduate, diploma, career oriented courses, vocational courses etc.*
- *It allows the students to learn according to their own time and place because of its flexibility.*
- *Distance education aims to provide freedom to the learner to carry on self directed learning.*
- *Distance education aims to help the learner to actively involve himself/herself in the learning situation.*
- *Its aims and objectives are to provide efficient and less expensive method of education. It provides opportunity of learning for qualified persons who is interested to upgrade his/her knowledge.*
- *It promotes educational well-being of both urban and rural areas students.*
- *Distance education provides flexible system of education.*
- *Distance education provide the opportunity to the entire willing person to join courses who on account of personal, social and also economic reasons could not complete the education.*
- *Universalisation of education is one of the major objectives of the Distance education. It eradicates mass illiteracy.*
- *Distance education provides both in-service and pre-service education.*
- *Distance education aims to provide opportunity to in-service personnel to update their knowledge and skills.*
- *Distance education uses learning psychology in the teaching learning process.*
- *Distance education uses maximum educational technology in the teaching learning process.*

38. The reason for stating so becomes grooved, in the factum that the expostulations of law approbating remote distance learning, are additionally, to the considered mind of this Court, but useful,

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handmaids, thus in sub serving the cause of education. They also sub serve the cause of those employees, who during the course of their employment, thus are granted permission to opt for remote distance learning, so that therebys their increased educational qualification, rather can be optimally utilized by the employer, besides may also increase the chances of the employees to escalate onto the higher steps in the ladder of promotion.

39. Moreover, since qua those in employment or those who for well made reasons, become deterred to make regular physical attendances on the taught subjects, thus in the educational institutions concerned, rather become endowed the benefits of remote distance learning, for therebys theirs enhancing their educational qualifications, either through correspondence courses becoming run by deemed or regular Universities or through online education becoming purveyed. Resultantly they cannot become ill precluded, to enhance their academic qualifications, for all the relevant purposes rather through the impugned stipulations and guidelines, as laid in the UGC, thus becoming asked to be strictly adhered to.

40. If the said is the objective and well purpose of establishing remote distance classes or teachings through corresponding courses/online courses, therebys, when the said augments, the right to education, as enshrined in Article 21A of the Constitution of India. Since the said right to education also facilitates the right to enhance the educational qualifications, wherebys, the employees can seek their advancements in their respective careers, wherebys, their right to seek

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promotions to promotional posts, does also become naturally facilitated. The said constitutional principle(s), when but become achieved through the said courses. Resultantly if the guidelines, instructions and regulations/notifications issued from time to time by the UGC relating to the validly established Deemed university(ies)/Private Institutions/State Universities, becoming permitted, to impart remote distance education and/or when education is permitted to be imparted, through correspondence courses, or through online classes or even when Deemed university(ies)/Private Institutions/State Universities, do likewise. Therefore, if yet merely, on account of the lack of approvals to the offline study centres/examination centres, as may become respectively established outside the territorial jurisdiction of the University(ies) (supra), thus the courses run in such offline study centres and also the successful examination(s) undertaken by the students concerned, at examination centres concerned located outside the headquarters concerned, rather all become ill awashed. Naturally therebys, an ill impigning effect would become encumbered upon students/employees, who respectively may choose to seek employment from qualifications acquired by them through the supra mode or to seek promotions, wherebys, the right of the supra for theirs respectively being considered for promotion to public posts and for appointments theretos but would become direly prejudiced.

41. Resultantly therebys there would be a cascading ill effect both upon learnings being acquired through remote distance, besides it

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would untenably set at naught the successful examination(s) undertaken at the examination centres located outside the territorial jurisdiction of the Deemed university(ies)/Private Institutions/State Universities, despite the fact that their existing no evidence, that the courses run were deficit in academic standards nor there existing any evidence that mass cheating or mass copying becoming indulged into at the examination centres concerned. As such the academic standards of the apposite courses, run at the instance of the Deemed university(ies)/Private Institutions/State Universities, are to be regularly verified, besides keenest invigilation is required to be imperatively done of the examination(s) conducted at examination centres, thus located outside the territorial jurisdiction of such Deemed university(ies)/Private Institutions/State Universities. Resultantly, without at this stage, the supra auditings being done and also without any evidence emerging against the students/employees concerned qua theirs indulging in mass copying, thereupons, no omnibus direction(s) as such could have been passed in the impugned verdict, wherebys, cut off dates have been prescribed.

42. In aftermath, the said is arbitrary and defeats the right to education as enshrined in Article 21-A of the Constitution of India besides defeats the right to be considered for appointment and for promotion. The said also casts an ill effect upon the educational qualifications acquired by the appointees, through theirs undertaking examinations, after receiving education, through remote distance learning, irrespective of the fact, that examination centres were located

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outside the territorial jurisdiction of the University(ies) concerned, besides irrespective of the fact that study centres/examination centres, but for a limited purpose, were also located outside the territorial jurisdiction of the University concerned.

43. Moreover, irrespective of the fact, that without approval thereto being granted to the supra examination centres concerned, the examinations were held at examination centres, thus located outside the territorial jurisdiction.

Conclusions/Guidelines

44. 1. Verification(s) on a case to case basis henceforth is required to be made by the UGC, whether in fact the courses organized by the Deemed university(ies)/Private Institutions/State Universities are of the optimum academic standards. The said verification shall also entail a necessity that the UGC make audit verification(s) that the state of Art apparatus becomes established by the supra, for the said purpose, at their respective headquarters concerned. Moreover, audit verification in respect of valid affiliations and recognitions being endowed by the UGC to the supra but is also a dire necessity.

2. A keenest invigilation is required to be done qua the conducting of examination(s) at examination centres, located outside the territorial jurisdiction of Deemed university(ies)/Private Institutions/State Universities concerned. In the said regard, prior intimation(s)/request letters be made to the Collector(s) concerned, where such examination centres are located, thus by such Deemed university(ies)/Private Institutions/State Universities concerned, so that

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an adequate number of invigilators become appointed by the District Administration, rather for making a keen invigilation of the examination, so that, therebys the menace of mass cheating and mass copying becomes decimated, besides, when therebys the undertakings of the examination does not become a mere farce. The expenses for the appointments of such invigilators shall be borne by the Deemed university(ies)/Private Institutions/State Universities concerned.

Final Order of this Court.

45. In aftermath, **LPA-2003-2019** for the reason aforesaid is allowed to the extent that the cut off dates, as made in paragraph No. 52 of the impugned judgment, for all the reasons (supra) are quashed and set aside besides the notification(s) (supra) (Annexures P-51 and P-53), as issued by the Distance Education Council, Indira Gandhi National Open University for all the reasons (supra) are also quashed and set aside.

46. The respondent-State is directed to decide the claims of the appellants herein (**LPA-2003-2019)** without considering the cut off dates besides in view of the observation(s) made by this Court in the instant verdict and subject to the verification of the degrees by the Universities concerned/Government Departments concerned.

47. The letter patent appeal(s) filed by the State of Punjab, are disposed of but with a direction to the State to decide the claim(s) of each of the writ petitioner(s) herein, but without considering the cut off dates besides in view of the observation(s) made by this Court in the

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instant verdict and subject to the verification of the degrees by the Universities concerned/Government Departments concerned.

48. Furthermore, the writ petition(s) [**CWP-27015-2021 & CWP-2438-2021**] become disposed of but with a direction to the respondent-State to decide the claims of the writ petitioners herein without considering the cut off dates besides in view of the observation(s) made by this Court in the instant verdict and subject to the verification of the degrees by the Universities concerned/Government Departments concerned.

49. **LPA-1105-2021** is allowed to the extent that the impugned order is quashed and set aside. However, the respondent-State is directed to decide the claim of the appellant herein afresh but without considering the cut off dates besides in view of the observation(s) made by this Court in the instant verdict and subject to the verification of the degree(s) by the University concerned/Government Departments concerned.

50. With regard to **LPA-450-2021,** it is relevant to extract the echoings as made at page 66 and 67 of the paper book.

"This office vide letter No. 2/11/2016-3A2/6122 dated 28.3.2016 required the employee to submit the original educational qualification certificate by 4.4.2016 and appear in this office. This letter was received by the employee on 29.3.2016 and appeared before the undersigned in the office on 4.4.2016 and the employee produced three year detail mark sheet of educational qualification of B.Com and provisional degree, but the employee did not produce the original degree certificate. Thereafter the undersigned discussed the matter with G.M. Punjab Roadways Jagraon, as well as officials of this office and granted three months time to produce the original degree, but the employee still did not produce the original degree

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certificate of B.Com. The GM PR Jagraon recommended taking action against the employee. Thereafter, status report of EILM University Sikkim was searched on the net and the below mentioned remarks were found :-

> "Students are suggested to approach Director (Higher Education) Human Resources Development Department Govt. of Sikkim, Gangtok, Sikkim for any information related to EILM University, validity of its course and verification of degrees."

Thereafter this office vide letter No. 2/12/16/3A2/16679 dated 7.8.2017 sent the three years detail mark sheet and the provisional degree certificate submitted by you for verification.

The concerned department of Government of Sikkim made the following remarks in its enquiry report :-

> **"The name of Tanbir Singh son of Surjit Singh is not available in the EIILM University registration record available with the directorate of higher education office, Government of Sikkim. Therefore, his mark sheet of Bachelor of Commerce bearing enrolment No. EIILMU/09/F14291 is not valid/genuine. He must have acquired his B.Com Degree under EIILMU through distance mode from outside the territorial jurisdiction of Sikkim State which is not valid."**

In this manner as per the remarks in the report the UGC/DEC do not recognize Bachelor of Commerce (B.Com) Course of the ELLM University."

51. Be that as it may, since the fact (supra) (in **LPA-450-2021)** appears to be a disputed question of fact besides when no opportunity in the instant proceedings can be assigned to the aggrieved concerned to lead apposite rebuttal evidence. As such, after dismissing **LPA-450-2021,** liberty is given to the appellant-petitioner herein, to avail civil Court remedies, wherebys, he may seek a declaration that the said reason qua the acquisition of '**his mark sheet of Bachelor of**

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Commerce bearing enrolment No. EIILMU/09/F14291 being not valid/genuine', thus is illegal and non-est.

52. The afore said decisions on the respective claims of each of the appellants-writ petitioners (respectively in the LPA(s) and writ petition(s) (supra), as directed (supra), be decided by the Competent Authority concerned but within a period of four months from today.

53. Since the main case(s) itself have been decided, thus, all the pending application(s), if any, also stand(s) disposed of.

54. A photocopy of this order be placed on the files of other connected cases.

(SURESHWAR THAKUR)
JUDGE

(VIKAS SURI)
JUDGE

09.04.2025
kavneet singh

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No

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2025.04.12 18:18
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