



**HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR**

S.B. Civil Writ Petition No. 5531/2015

Institute of Advanced Studies in Education, (IASE).

----Petitioner

Versus

Union Of India & Ors.

----Respondent

Alongwith Connected Matters

S.B. Civil Writ Petition Nos. 7267/2005, 5372/2008, 9695/2008, 4761/2009, 6155/2009, 9754/2012, 13900/2013, 5194/2014, 7419/2015, 8832/2015, 10310/2016, 13467/2018, 3051/2019, 5896/2019, 5899/2019, 5905/2019, 6111/2019, 6352/2019, 6455/2019, 6596/2019, 4086/2020 & 13575/2021

For Petitioner(s)	:	Mr Manoj Bhandari, Senior Advocate, Mr Tarun Joshi, Mr Govind Suthar, Mr Sushil Bishnoi, Mr Chaman Khanna Mr A.R. Godara, Mr Himanshu Bump, Mr Deepak Kanwar
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HON'BLE MR. JUSTICE ARUN MONGA

Judgment

Date of order : 08/01/2024

1. In this bunch of petitions, two private educational institutes i.e. Institute Of Advanced Study In Education (IASE- for short) and Janardan Rai Nagar Rajasthan Vidyapeeth (JRN- for short) and some of their students are seeking recognition of the degrees/diplomas awarded



through distance education in various streams/courses. During pendency of the *lis* herein, Orissa High Court allowed a writ petition¹ filed by an employee of Orissa Lift Irrigation Corporation Ltd.(OLCL-for short), whereby it was held that his degree in engineering obtained, while in government service, from JRN through distance mode was valid. Orissa Lift Irrigation Corporation Ltd. challenged said judgment in Supreme Court.² Around the same time, a public interest litigation was also filed in Punjab and Haryana High Court, challenging the engineering degrees awarded through distance education, inter alia, by IASE and JRN. Vide a DB judgment³ degrees awarded in technical education/engineering through distance mode by both these institutes were held to be invalid.

1.1 JRN did not assail the invalidity of degrees, but some of the students and IASE unsuccessfully challenged the judgment in Kartar Singh *ibid* before the Apex Court. In fact, appeals before Supreme Court turned out to be rather counter-productive. The Supreme Court, while upholding Kartar Singh judgment, came down heavily on both the private institutes viz. IASE and JRN, if one may use the words, with a ton of bricks. Not only it ordered an enquiry by UGC to ascertain their future continuation as deemed to be universities, but also directed a CBI enquiry for the flagrant violations in awarding engineering degrees through distance education mode. Controversy qua technical education degrees through distance mode is thus *res-judice*. What we are concerned here, is with the validity of degrees/diplomas in general education (other than technical education) through distance mode, as

¹ Rabi Sankar Patro v State of Orissa WP(c) 3848 of 2010

² Orissa Lift Corporation Ltd v Rabi Sankar Patro 2018 (1)SCC 468 (To be referred as OLCL Judgment)

³ Kartar Singh v UOI, 2012 SCC Online P&H 21066



well as, degrees awarded in certain new courses. Diplomas in technical education through distance mode are also under scanner. More of it, in better details, later.

2. The landscape of education in India has undergone a transformation with the advent of distance learning, providing opportunities for students to pursue their academic endeavors beyond the traditional classroom setting. However, the evolution of distance learning has also led to the emergence of unscrupulous institutions exploiting the system for personal gain. Despite lacking the necessary infrastructure and resources, these institutions falsely claim affiliation with reputed universities, deceiving students across various disciplines. The proliferation of these dubious institutions is not only detrimental to the reputation of the education sector but also jeopardizes the aspirations and future of countless students who unknowingly enroll in their programs. The lack of oversight and lackadaisical approach to implement regulations have left much to be desired, allowing such establishments to thrive, preying on the aspirations of those seeking education through unconventional means. Role of Ministry of Human Resource Development (MHRD)/University Grants Commission (UGC) is to act in response to this burgeoning threat. They are entrusted with the pivotal role in safeguarding the integrity of distance education in the country.

3. Under judicial review before this Court is the legitimacy of the actions and directives of the erstwhile Distance Education Council-DEC (now Distance Education Board-DEB), UGC and MHRD. The bunch of petitions is being disposed of vide this common order and judgment, since the issues involved therein are similar. For



convenience, illustrative factual narrative and recitals are collectively sourced from Civil Writ Petition No.7267 of 2005 (filed by IASE), counter affidavit dated 21.05.2008 of UGC, counter affidavit dated 22.06.2006 of MHRD, and an additional affidavit dated 22.01.2022 of the IASE filed in the said petition.

4. In the aforesaid writ petition, IASE has, inter alia, assailed communications/orders dated 27.06.2005 and dated 17.11.2005 issued by DEC and UGC, respectively, whereby it was decided to not approve the distance education academic programs of the institute. The controversy *inter alia* also revolves around a subsequent decision dated 19.02.2008 taken by the MHRD (assailed in CWP No.5372/2008), whereby it was decided that any approval for distance education granted by the DEC (inclusive of *ex post facto*) is not final and it has to be necessarily reviewed. For the purpose, a joint committee of UGC, AITCE, and DEC was constituted to review the decisions. IASE was thus advised to approach the said joint committee.

5. FACTS OF THE CASE: -

For convenience, relevant factual narrative, shorn of unnecessary details, has been chronologically culled out and is tabulated as below:-

DATE & PDF page in CWP No.7267/2005	EVENTS
25.06.2002 Annexure-1 P. 231	MHRD issued a notification conferring the status of deemed to be university on IASE (established by a society, namely Gandhi Vidya Mandir, Sardarshahar, District Churu, Rajasthan) for on campus teaching only in the subject of Education.
17.07.2002	UGC also issued a notification under section 3 of UGC Act,



Annexure-2 P.232	whereby IASE was notified as deemed to be University.
18.10.2002	A resolution was passed by the Board/Management of IASE resolving to start its distance education programme from academic session 2002-03.
26.10.2002 Annexure-3 P. 235	Technical Education Department, Govt. of Rajasthan, sent a letter to IASE that, as a Deemed University, it did not require an NOC from the State Government to introduce new faculties of MBA, MCA, Pharmaceuticals, Hotel Management, etc. for the academic session 2003-04.
29.01.2003 Annexure-6 P.240	IASE wrote to the Secretary, UGC regarding addition of certain new faculties in its deemed to be university viz. MBA, MCA, Pharmaceuticals, Hotel Management, etc. for the academic session 2003-04.
04.04.2003 Annexure-9 P.247	Director, DEC wrote to IASE and cautioned it that no distance education programmes should be started without prior approval of DEC.
15.04.2003 Annexure- 10 P.250	Undeterred, on the basis of selfassumed authority, IASE commenced/introduced number of academic programmes through distance education, without any prior permission from either DEC or UGC.
28.07.2003 Annexure-12 P.256	UGC sought the information from the IASE about the various courses being imparted and number of students enrolled for these courses through regular as well as distance education mode.
19.08.2003 Annexure-14 P.260	IASE responded and apprised that it had total of 293 students through distance education mode in IT and Management, admitted in the year 2002-03, apart from 467 students in the regular mode in B.Ed and M.Ed courses.
16.03.2004 Annexure-23 P.281	UGC directed that deemed universities, which commenced Distance Education Programs without prior approval from the UGC and DEC, were to apply for <i>ex post facto</i> approval. All deemed to be universities were directed to follow the provisions contained in UGC guidelines- 2000 for establishing new departments within the campus or setting up of off-campus center(s)/Institution(s)/off-shore campus and starting distance education programs.
11.06.2004 Annexure-R/4 (UGC Reply)	UGC asked IASE that without obtaining the prior approval, neither new courses can be started by it nor academic centres/study centres or off-campus centres can be opened by it.



P.759	IASE was also asked to comply with UGC Guidelines for establishing new departments on campus or setting up off-campus centres/institutions/ offshore campuses and for initiating Distance Education programs.
30.06.2004 Annexure-25 P.326	UGC directed IASE to submit a comprehensive list of faculty, buildings, courses/infrastructure, library, laboratory etc. and also send a complete list of its off-campus centers/study centers/ extension centres within 21 days, failing which, a public notice was to be issued that the extension centers/study centre(s) in distance mode all over the country run by IASE were/are not approved by the UGC.
19.04.2005 Annexure-33 P.392	UGC again cautioned IASE that in case applicable UGC Guidelines are not followed, the status of deemed to be university shall be withdrawn.
27.06.2005 Annexure-R/5 (UGC Reply) P.760	DEC wrote a letter to IASE declining approval of Distance Education Programs sought from it.
09.08.2005 Annexure-49 P.481	A public notice/circular was issued by UGC declaring that IASE and JRN have not been permitted to affiliate any college/institute and are not allowed to conduct any course through distance education study centre by the DEC or UGC.
23.08.2005 Annexure-50 P.482	UGC issued a similar Public Notice cautioning that the deemed to be universities can offer distance education programme only through its own study centres which are on the campus and that too with the specific approval of both the UGC and Distance Education Council.
26.10.2005 Annexure-47 P.433	UGC asked IASE to give information about number of total students (course-wise and year-wise) admitted under the distance education mode and also regular mode, indicating the name of location of each center in every State of the country. IASE, it appears, continued to offer various academic programmes through distance mode, without approval.
15.11.2005 Annexure-48 P.434	IASE then disclosed that it had got 216 study centers spread all over India, in almost all the States, having 28,377 students admitted in various courses including for degrees through distance education mode in B.Tech, M.Tech, MSc, MBA, MCA, Pharmacy, B.A., M.A., B.Com, BSc, BBA for the academic years 2004-05.



17.11.2005 Annexure-52 P.484	The UGC directed IASE to forthwith shut down all such off campus centers and submit a compliance report. UGC also informed that retroactive approval cannot be granted for the Study Centers/Extension Centers/Academic Centers operated by IASE under the Distance Education Mode.
19.12.2005 Annexure-54 P.501	IASE approached Rajasthan High Court and vide an interim court order, passed in CWP No.7267 of 2005, operation of the order/letter dated 17.11.2005 passed by UGC was stayed.
04.02.2007	A public notice was issued jointly by AICTE, UGC and DEC which cautioned that running programmes and giving misleading advertisements regarding unapproved 'distance mode courses and programmes of study, shall attract severe action under the provisions of applicable laws, including that of derecognition and withdrawal of institutional approval. It was also reiterated that all courses or programmes of study in the "distance mode" required the prior approval of DEC.
10.05.2007 Annexure-R/9 (UGC Reply) P.766	MOU was executed amongst three regulatory bodies i.e. UGC, All India Council for Technical Education (AICTE), and the Distance Education (DEC) to ensure quality education and avoid duplication of efforts and pursuant there to joint committee of the three was constituted.
29.08.2007 Annexure-R/8 (Colly) P.765	The DEC granted ex post facto to IASE approval only up to the year 2005.
03.09. 2007 Annexure-R/8 (Colly)	DEC granted provisional approval to the IASE for the academic year 2007-08.
19.02.2008	In a meeting of Secretary, Department of Higher Education (Distance Learning Division), MHRD, Chairman UGC, Chairman AICTE and VC of IGNOU and Joint Secretary (Distance Education) it was decided that the approvals, including ex post fact, should be granted to the courses and not to the institute and DEC approvals have to necessarily reviewed by the joint committee constituted as per MOU.
12.05.2008 Annexure R/10	DEC conveyed the decision dated 19.02.2008 taken by the MHRD, whereby it was decided that any approval (inclusive of ex post facto) for distance education granted by the DEC is not



P.782	final and has to be necessarily reviewed by joint committee.
15.09.2008	IASE filed CWP No.5372 of 2008 in Rajasthan High Court assailing the above decision dated 12.05.2008, wherein vide an interim order passed by court operation of the impugned decision was stayed.
17.04.2009	MHRD issued Show cause notice dated 17.04.2009 to IASE and asked it to submit explanation, if any, to the findings/observations of the fact finding team and to show cause as to why notification dated 25.06.2002 declaring IASE as a “deemed to be university” be not withdrawn for violating various conditions.
03.06.2009	In CWP No. 4761 of 2009 filed by IASE, Rajasthan High Court stayed the operation of the above show cause notice dated 17.04.2009.
06.11.2012	In PIL, the High of Punjab and Haryana declared the degrees of engineering obtained (from IASE and JRN) through distance education mode as invalid.
14.05.2009	UGC passed an order asking IASE to not conduct any course through distance mode from 2009-10 onwards and only three courses i.e. B.Ed, M.Ed and Ph.D in Education through regular mode.
29.07.2009	In CWP No.6155 of 2009 filed by IASE, Rajasthan High Court stayed the effect of above order of UGC.
11.03.2015	A public notice/order was issued by DEB whereby IASE was restrained from offering Diploma, Bachelor or Master level degree in engineering and technology through distance education mode.
26.05.2015	In CWP No.5531-2015 filed by IASE, Rajasthan High Court stayed the operation of above public notice of DEB.
03.11.2017	Supreme court in its judgment rendered in OLCL upheld the PHHC decision whereby degrees awarded by IASE and JRN in technical education (engineering) were held as invalid.

5.1. Issues qua both institutes are though similar and overlapping, but certain factual punctuations qua JRN may be juxtaposed with the above chronology of IASE. Same are tabulated hereunder :-

19.08.2003	JRN was granted ‘Deemed to be University’ status on similar terms as IASE for on campus teaching only in the subjects of Social work, Education, Arts and Commerce.
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10.05.2004	JRN sought approval of DEC for various courses through distance education mode.
30.08.2005	UGC also wrote to JRN stating that DEC/IGNOU has not recognized it to offer any distance education programme anywhere in the country, since major deficiencies were found in its delivery system and self-instructional materials.
17.10.2005	A show-cause notice was issued by UGC to JRN, for non-adherence to UGC norms regarding study centres and an explanation was sought within 15 days, failing which, appropriate action was to be taken by UGC.
15.01.2006	Another circular was issued by DEC stating that the programmes of JRN through distance mode were not approved by DEC.
01.02.2006	JRN wrote back to UGC undertaking to close its distance education programme, but requested UGC to grant one-time specific approval insofar as existing students in the programmes then in operation.
11.06.2006	Application of JRN for ex post facto approval was considered by UGC in its meeting and the Committee recommended one-time <i>ex post facto</i> approval for the students admitted under the distance education mode in degree courses from 01.06.2001 to 31.08.2005 subject to strict compliance and fulfillment of the conditions as conveyed in the approval letter.
03.07.2006	UGC granted one-time <i>ex post facto</i> approval in respect of courses conducted by distance education mode by JRN from 01.06.2001 to 31.08.2005.
03.11.2006	UGC again wrote to JRN that the conditions of approval as incorporated in the communication dated 03.07.2006 had not been complied with.
15.06.2007	JRN filed an application with DEC seeking approval to start 69 programmes in distance education from the session 2007-2008.
03.09.2007	DEC granted provisional approval for distance education to JRN for the academic year 2007-2008.
08.05.2008	JRN sought approval for the year 2008-2009 from DEC for its courses in distance education mode.
16.12.2008	JRN filed a CWP No.9695 of 2008 in Rajasthan High Court assailing the DEC letter dated 12.05.2008 conveying decision of MHRD, whereby it was decided that approval for distance education given by DEC are to be reviewed by joint committee,. Vide an interim order passed by court operation of the impugned decision was stayed.
08.10.2008	DEC granted provisional approval for distance education to JRN for the academic year 2008-2009.
19.08.2013	DEB asked JRN to issue fresh proposal for recognition of its distance education programs.
26.11.2013	In a CWP No.13900 of 2013 filed by JRN, Rajasthan High Court stayed the operation of the above letter/direction of the DEB.
30.04.2014	UGC issued a letter/order whereby, recognition of JRN to conduct programs in distance education mode for Academic Session 2013-14 onwards was discontinued.



17.07.2014	In CWP No.5194 of 2014 filed by JRN, Rajasthan High Court stayed the operation of above order dated 30.04.2014 passed by UGC.
11.03.2015	An order was passed by DEB whereby it was decided :- 1). no University should offer diploma, bachelor and masters level program in engineering and technology other than MBA and MCA till the finalization of UGC Regulations, 2014. 2). take action against those universities which are conducting professional courses in engineering & technology in ODL Mode. 3) not to consider any request for ex-post facto approval for ODL programs offered by university.
14.06.2015	Another order was passed by DEB whereby it was decided that the qualification acquired through ODL Mode from a non-recognized institution of higher learning shall neither be recognized for the purpose of employment in government service nor for pursuing higher education.
16.07.2015	In a CWP No. 7419-2015 filed by JRN, Rajasthan High Court stayed the operation of above two orders qua JRN.
2016-17	UGC declined to accept the proposal of JRN to accord recognition to it for academic session 2016-17
15.09.2016	In a CWP No.10310 of 2016 filed by JRN in Rajasthan High Court, interim directions were issues to UGC to grant recognition to JRN.

6. In the aforesaid factual backdrop, I have heard the respective learned Senior Counsels and other learned counsels appearing in various petitions for respective parties and also perused the record.

SUBMISSIONS/ARGUMENTS ON BEHALF OF PETITIONERS:-

7. The learned counsel representing petitioners would contend that, as per the ratio rendered by Apex Court in Orissa Lift Irrigation Corporation, universities or deemed to be universities have to seek appropriate approval only for technical education from bodies like AICTE and NCTE. For rest of general education through regular classroom teaching or the distance mode education no permissions were/are required by the deemed to be universities.



7.1 Emphasizing further, the counsel would submit there is complete compliance of all the statutory regulations prescribed by the law. IASE/ JRN have also been duly awarded a Grade-B Institute accreditation certificate from the National Assessment and Accreditation Council (NAAC), an entity set up under the University Grants Commission.

7.2 The argument also is that the judgment of the Apex Court in the case of Orissa Lift (*Supra*) pertains solely to engineering degrees (both undergraduate and postgraduate) offered through distance learning. Additionally, during the determination of the primary issue, the Apex Court directed the Union of India to constitute a three-member committee for a comprehensive examination of the matter. In line with this directive, UGC formed an expert committee to evaluate the functioning of the deemed university. The expert committee visited the institutions and gave favourable recommendations stating that they “*may be continued as Deemed Universities*”.

7.3 The learned counsel also submitted that favourable recommendation of committee clearly reveals that the institutes are fully complying with and running all the courses in accordance with the provisions of statutory norms of the respective statutory bodies.

7.4 The learned counsel would argue that University Grants Commission got the institutes re-inspected and the expert committee recommended that Deemed to be University had complied with the Supreme Court judgment of November 2017.

7.5 That the deemed to be universities have conducted all the courses in accordance with law and under the interim directions issued by this Court.



Respondents have not shown any single instance where institutes conducted any course in defiance of the interim orders passed by this Court. The institutions have challenged the different orders/ communications issued by the UGC or for that matter DEC by way of filing various writ petitions.

7.6 Reliance is placed on a decision dated 07.08.2007 taken by the Joint Committee of UGC, AICTE and DEC granting ex-post facto approval to IASE up to the academic year 2007-08. Court's indulgence is sought to affirm and declare that the aforesaid joint committee decision dated 07.08.2007 is also effective beyond the academic session 2007-08.

7.7 While reiterating that this Court granted interim orders in favour of the IASE/JRN which are still subsisting and in the meantime, all the students who were granted admissions have completed their courses and are settled on the strength of their degree /diploma courses. UGC has also conducted subsequent inspection and re-inspection in furtherance of the directions issued by the Supreme Court in case of Orissa Lift Irrigation Corporation Limited (Supra) and found the institution meeting with all the statutory norms. Therefore, they would contend that the interim orders passed by this court may be made absolute and all the writ petition be allowed as prayed for.

8. SUBMISSIONS/ARGUMENTS ON BEHALF OF RESPONDENTS :-

8.1 Ratio enunciated Supreme Court in OLCL is the Magna Carta of arguments on behalf of the respondents. The learned counsel would argue that it is an open and shut case in the light of the said dictum. They would urge that just like AICTE prior approval is *sine qua non* in technical education, so is that of UGC prior to introducing new courses and new study centers, be it



on or off campus. Likewise, prior approval of DEC/DEB is imperative for offering any kind of distance education, be it degree or diploma.

8.2 Stand taken also is that deemed to be university is a special status accorded to an education institution under Section 3 of the UGC Act. They are thus not established by an Act passed by the legislature as is the case with the full fledged universities, which are created statutorily. The deemed to be universities are usually either a registered society or a registered trust. Since the special status of deemed to be university is accorded to them by way of a declaration under the UGC Act, therefore, such institutes are mandatorily required to abide by the regulations of UGC. It is in this context that while such a declaration / notification issued, there is specific condition that it shall abide by all the guidelines / instructions issued by UGC.

8.3 Furthermore, degree awarded through distance mode without approval of the regulatory bodies leads to an anomalous situation since degrees are not recognized for the purpose of employment under the Central Government as per gazette notification dated 01.03.1995. The Central Government, therefore, considers such degrees as unrecognized being based on sub-standard courses and programme started by deemed to be universities without proper approval.

8.4 It is also the argument that introducing professional courses viz. Pharmacy, Law (LLM), Management, Ayurveda, Homeopathy through distance mode without approval of the relevant expert regulatory bodies viz. Ayurveda Council / Homeopathy Council / Pharmacy council/Bar Council / Dental Council and that also without offering the same on the main campus by setting up remote study centre casts a serious doubt on the standards required to be maintained.



8.5 Submission is that the infrastructure of the so-called study centre lacks the necessary quality as is self evident from the candid admission made by IASE (sub-ground (b) of the grounds in this petition) that as many as 114 centres had to be closed / cancelled, which were found to be lacking in infrastructure, same thus establishes that IASE did not give a tinker's cuss to the fate of the students while introducing either the new courses or by setting up a campus study centres or starting distance education, all of it, without approval.

8.6 It was vehemently argued that both the institutes were granted the status of deemed to be university without any off campus study centre at the relevant time. While granting such a status no permission was accorded then or later to allow it to set up off campus study centres.

8.7 Reference was made to the guidelines and instructions in this respect and violations made by both the institutes of the same and therefore, defending the impugned orders being fully within the four corners of law requiring no interference of this Court under extra-ordinary writ jurisdiction.

8.8 It was urged on behalf of the UGC that deemed to be university status has been completely misused and abused by both the institutes, inasmuch as, the said status is always conferred and was conferred on both the institutes of specific academic programme, which were being / to be imported by them at the time of inception on a representation and on the premise that they have the expertise in the said specific domains of knowledge. Illustratively, IASE had claimed that being a expert institute in the field of education it was fully equipped to impart academic programme of B.Ed., M.Ed. & M.Phil in education. Subsequently, they introduced new academic courses by complete abuse of the status of deemed to be university granted to them by



misinterpreting the definition of a university under Section 2 of the UGC Act and by claiming that they did not require any prior approval either from UGC or from any other regulatory body.

8.9 The Distance Education Council's stand is that it observed that 23 study centres, as claimed in documents submitted by the IASE-institutions, do not exist, as reported by visiting expert members. Additionally, 20 study centres were found to have very poor infrastructure hardly suitable to provide education. Consequently, the DEC, through a letter dated 27.06.2005, communicated its non-approval of the Distance Education programs offered by the IASE-Deemed University.

8.10 The DEC also objected that private franchising is strictly prohibited, and for initiating any UGC-approved degree course through Distance Education mode, prior approval of the DEC is mandatory. The DEC, through a letter dated 29.08.2007, granted ex post facto approval only up to the year 2005. Subsequently, through a letter dated 03.09.2007, approval was granted to IASE for the academic year 2007-08. Following this, by a letter dated 06.09.2007, the IASE applied to the UGC for the grant of ex post facto approval for the programs being run under Distance Education mode.

8.11 Pursuant to MOU dated 10.05.2007, upon the constitution of the Joint Committee of UGC, AICTE, and DEC, the UGC, through a letter dated 12.05.2008, informed all deemed universities, including the IASE/JRN, to approach the Joint Committee for the grant of approval/ex post facto approval for their distance education programs.



8.12 The respondent-Union of India's defense is that as a Deemed to be University, IASE should have obtained prior permission from the UGC/DEC/DEB before enrolling students in its distance education programs and any new courses in the regular mode.

DISCUSSION AND OUTCOME

9. I shall now proceed to evaluate the aforesaid arguments with discussion thereupon in the succeeding part and render my opinion by recording reasons.

10. IASE and JRN both sought to introduce 3 things i.e. i). new courses ii). Off campus study centers AND iii). distance education in years 2002-3 and 2004-05, respectively. Adjudication of legality thereof leads us to the following questions beseeching answers :-

11. QUESTIONS FOR CONSIDERATION :-

- (i). Whether deemed to be Universities are governed by the provisions of the UGC Act and its guidelines for imparting general education?
- (ii). Whether deemed to be Universities can introduce new academic courses, aside from those offered at inception, without prior UGC approval, whether for conventional classroom education or distance mode education?
- (iii). Whether the educational institutes herein could commence distance education and award degrees without prior approval?
- (iv). Whether deemed to be Universities can establish off-campus institutes/education centers/study centers through franchise agreements without seeking approval?



(v). Whether ex post facto approval can be granted for the introduction of new courses or for starting distance education?

12. To find the answers, let us first see what was/is the position in law and how it evolved over time, governing the deemed to be universities to impart education. Various statutorily applicable provisions of Acts, Rules, notifications/circulars and guidelines issued by MHRD, UGC and DEC, being apposite, may first be adverted to, before proceeding further.

13. Education falls in the Union List as per Entry 66, List-1, Schedule-7 of the Constitution of India. The entry envisages that Central Government is responsible for coordination and maintenance of Standards of Higher Education.

13.1 Parliament enacted University Grants Commission (hereinafter referred as 'UGC') in the 1956 for coordinating the Higher Education in all the states of the country. 7. Reliance was also placed by UGC on preamble of the UGC Act, which states as below :-

“An Act to make provision for the co-ordination and determination of standards in Universities and for that purpose, to establish a University Grants Commission.”

13.2 UGC is thus a regulatory body for advancing cause of higher education in India and is vested with the power to determine and take any measure necessary for improvement of university or deemed to be university. Institutions of Higher Education other than Statutory University on the advice of UGC can be declared by Central Government through a notification in official gazette as 'deemed to be university' under Section 3 of the UGC Act, 1956. In this context, for ready reference Section 3 of the UGC Act, 1956 is reproduced here in below: -



“3. Application of Act to institutions for higher studies other than Universities:-

The Central Government may, on the advice of the Commission, declare by notification in the Official Gazette, that any institution for higher education, other than a University, shall be deemed to be a University for the purposes of this Act, and on such a declaration being made, all the provisions of this Act shall apply to such institution as if it were a University within the meaning of clause (f) of section 2.”

13.3 The aforesaid provision for granting academic freedom and autonomy, almost at par with statutory university has been made under Section 3 *ibid* only for deserving educational institutions, keeping in view the role of such educational institute of repute for the growth of knowledge in all domains through various means including teaching and research etc.

13.4 Pertinently, such institutions covered under Section 3 (supra) even though enjoy similar academic freedom as by the statutory universities, but they are termed as ‘Deemed to be University’. Thus, such an institution is not covered by definition of university as given under Section 2(f) of the UGC Act, 1956. In other words, ‘deemed to be university’ is not a statutory body as it is not established by an act of Legislature. Invariably, such institutions are either registered Society or a registered Trust as the case may be.

13.5 UGC is also vested with powers to penalize/prosecute the university / deemed to be university under Sections 23 & 24 of the UGC Act with appropriate punitive fine.

13.6 With effect from 25.11.1985, UGC (the minimum standards of instructions for the grant of the first degree through formal education in the faculties of Arts, Humanities, Fine Arts, Music, Social Sciences, Commerce and Science) Regulations, 1985 came into force. They



applied to every University including a Deemed to be University. The relevant extract thereof is as under :-

“2(3). 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/Honors/Special) degree as the case may be....”

3(1). Every University enrolling students for the 1st Degree Course shall ensure that the number of actual teaching days does not go below 180 in an academic year.....

3(2). The total periods provided in the timetable shall not be less than 40 clock hours a week. The timetable on working days shall be so drawn up that physical facilities are adequately utilized and not used only for a few hours a day.”

13.7 Indira Gandhi National Open University Act, 1985 (‘IGNOU’) was enacted by the Parliament. Section 5(2) of the IGNOU Act (1985) stipulates that:

“Notwithstanding anything contained in any other law at the time being in force, but without prejudice to the provision of Sub-Section (1), it shall be the duty of the University to take all such steps as it may deem fit for the promotion of the Open Universities and distance education systems and for the determination of standards of teaching, evaluation and research in such systems, and for the purpose of performing these functions, the University shall have such powers including the power to allocate and disburse grants to colleges, whether admitted to its privileges or not, or to any other University or institutions of higher learning, as may be specified by the Statutes.”

13.8 In order to supervise its Distance Education in the entire country, IGNOU, vide a notification dated 22.11.1991, established Distance Education Council-DEC⁴.

13.9 It was mandated to function as an apex body for promotion, determination and maintenance of standards and coordination of open and distance education in India. As per the notification⁵ *ibid*, following powers and functions of erstwhile DEC were envisaged:-

⁴ Later, it was dissolved in 2013. Instead, Distance Education Board was created under the UGC Act.

⁵ See Schedule B annexed with CWP No.7267 of 2005.





2. Power & Functions of the Distance Education Council.

"It shall be the general duty of the Distance Education Council to take all such steps as are consistent with the provisions of this Act, the Statutes and the Ordinances for the promotion of the open university/distance education systems, its coordinated development, and the determination of its standards, and in particular:

(i) to develop a network of open universities/distance education institutions in the country in consultation with the State Governments, Universities, and other concerned agencies.

x-x-x-x-x

(viii) to take such steps as are necessary to ensure the coordinated development of the open university/distance education system in the country.

x-x-x-x-x-x

(xiii) to advise State Governments, universities and other concerned agencies on their proposals to set up open universities or to introduce, programmes of distance education.

3. Institutions which Need Approval

In view of the mandate of DEC to assess and accredit existing and new institutions of open and distance learning, DEC prescribes standards to determine the minimum level of infrastructure and academic staff for ODE institutions which offer or intend to offer education through distance mode. This will be applicable to:

- State Open Universities
- CCI/DEIs in conventional universities/Deemed Universities IITs IIMs
- Other ODL institutions registered as societies/trusts and/or privately managed
- All levels (Certificate/Diploma/Degree) and types of programmes (Professional, Vocational/General Education/Awareness).

It shall be mandatory for all institutions to seek prior approval of the Council for new programmes and accreditation by DEC for on-going programmes offered at a distance.

(emphasis supplied)⁶

13.10 The Central Government (MHRD) issued a gazette notification

No.44 dated 01.03.1995 stating as below:-

*“Ministry of Human Resource Development
(Department of Education)*

New Delhi

Dated the 1st march, 1995

NOTIFICATION (44)

On the recommendation of the Board of Assessment for Educational Qualifications, the Government of India has decided that all the qualifications awarded through Distance Education by the Universities established by an Act of Parliament or State Legislature, Institutions Deemed to be Universities under Section 3 of the UGC Act, 1956 and Institutions of National Importance declared under an Act of Parliament stand automatically recognized for the purpose of

⁶ Where ever underlined- emphasis supplied





employment to posts and services under the Central Government, provided it has been approved by Distance Education Council, Indira Gandhi National Open University, K 76, Hauz Khas, New Delhi – 110016 and wherever necessary by All India Council for Technical Education, I.G. Sports Complex, I.P. Estate, New Delhi – 110002.”

13.11 Aforesaid notification envisages that mere approval of an institution for conducting distance education programme does not serve the purpose of a diploma or degree to be recognized unless the said qualification in the course and programme introduced by the institution is approved by the Distance Education Council.

13.12 UGC has also notified guidelines in the year 2000 for considering proposals under Section 3 *ibid*. A perusal of the said guidelines (Guideline No. 6) reflects that the academic institute seeking declaration as deemed to be University has to be mandatorily register either under the Societies Registration Act or the Public Trust Act and also must formulate a memorandum of association and rules based on the model format prescribed by the UGC. The model format is an appendix of the guidelines and Rules/Articles of Institute must be framed in tune therewith. As regards opening up academic centers by the deemed to be University, Guideline 15 governs the same, being apposite, same reproduced herein below:

“15. It would be permissible for the deemed to be university to open centres in its own area or in places other than its headquarters. For this purpose, the following parameters will be followed:

(i) The Centre(s) shall be set up with the prior approval of the UGC and that of the State Government where the Centre(s) is/are proposed to be opened.

(ii) Proposal for starting various academic courses shall have the approval of the UGC.

(iii) Admission procedure and fee fixation for students shall be in accordance with the norms/rules prescribed by the UGC.

(iv) The over-all performance of the Centre shall be monitored annually by the UGC whose directions for management, academic development and improvement shall be binding.

(v) If the functioning of the Centre does not fulfil UGC’s directions and recommendations and it remains unsatisfactory for three years, as decided by the UGC on the basis of the recommendations of the Monitoring Review Committee, the Deemed University shall be instructed by the UGC to close



down the Centre in which even the inabilities of the Centre shall be taken over by the concerned Deemed University.

(vi) It would be permissible for the Deemed University to open academic Centre(s) not only anywhere in India but also in any of the foreign countries. The academic centre(s) in the foreign countries shall be opened only after the due permission from the Government of India/UGC and also that of the Government of the host country.

(vii) In case of foreign campus/campuses, the remittance of funds shall be governed by the Reserve Bank of India rules”.

13.13 A perusal of the very first Clause I, clearly reflects that deemed to be University cannot set up a centre either in its own area or other than its headquarters without the prior approval of UGC. At this stage, it is pertinent to note the distinction that the above guidelines do not pertain to distance education. Same are meant for off-campus conventional study centre by offering regular Classroom coaching. Applying the said guidelines for distance education is thus completely out of place.

13.14 The model format of the Rules also prescribes that the Board of Management of the academic institute, to be declared as deemed to be University, must have one nominee of the Chairman of UGC and one nominee by the Government of India, apart from other constituent members of the Board. The model format rules also specifically prescribe the mode and manner for appointment of Professors, Readers and Lecturers by constituting a Selection Committee to make recommendation to the Board of Management. Even for the appointment of Vice-Chancellor, a Search Committee has been envisaged under model Rule 15 which shall constitute of a nominee of the President of the institute and a nominee of the State/Central Government and a nominee of Chairman, UGC. The maximum age of the Vice-Chancellor has been prescribed as 65 years and the maximum term of appointment of Vice-Chancellor has also been prescribed as 5 years and, thereafter, he shall not be eligible for re-appointment.



13.15 It was in the aforesaid background of guidelines/format Rules, that the IASE was accorded the status of deemed to be University with the expectation of strict compliance of guidelines of UGC as well as DEC. The aforesaid legal position is further amplified and expressly made clear vide notification dated 17.07.2002, issued by UGC granting the status of deemed to be University to the IASE. The same is reproduced herein below:

“In exercise of the powers conferred by Section 3 of the University Grants Commission Act, 1956, the Central Government on the recommendation of the Commission has declared the institute of Advanced studies in Extension of Gandhi Vidhya mandir Sardarshahr, Rajasthan as Deemed to be a University for the purpose of the aforesaid Act with effect from 25th June, 2002. The grant of Deemed to be a University status to Institute of Advanced Studies in Education Gandhi Vidya Mandir, Sardarshahr, Rajasthan is subject to the condition that it will adhere to the guidelines/Instructions issued by UGC from time to time as applicable to the Deemed Universities.”

13.16 A perusal of the aforesaid clearly reflects that status of IASE as deemed to be university is subject to the condition that it will adhere to the guidelines / instructions issued by UGC from time to time as applicable to deemed to be university. Likewise, Janardhan Rai Nagar Vidyapith, Udaipur ('JRN') was granted 'Deemed to be University' status vide notification dated 19.08.2003 on similar terms as IASE.

13.17 UGC guidelines- 2004 were introduced for establishing new departments within the campus or setting up of off-campus center(s)/Institution(s)/off-shore campus and starting distance education programs. Procedure to be followed was prescribed therein as below :-

“2.1 The deemed university intending to open a new department in its campus or an off-campus center/ institution shall approach the University Grants Commission (UGC) at least six months prior to opening such center on a proforma prescribed for this purpose (Annexure-I). The deemed university desirous of starting the new off campus center / institution or introducing a new course/ programme in a professional subject, shall comply with all the requirements as



required by statutory professional Councils and obtain their prior approval before approaching the UGC.

2.2 The new Departments, new off-campus center/ institution shall be set up only after obtaining approval of the UGC and that of the concerned state Government where such a center is proposed to be established. The UGC shall cause spot visit/ verification of the proposed new departments, new off-campus center/institutions to verify its infrastructure facilities, programmes, faculty, financial viability, etc. before giving permission to start the centre. The report of the committee shall be considered by the Commission for its approval.

x-x-x-x-x-x-x

Para 4. Distance Education:

The Deemed to be University could offer the distance education programmes only with the specific approval of the Distance Education Council (DEC) and the University Grants Commission (UGC). As such, any Study Centre(s) can be opened only with the specific approval of Distance Education Council and UGC.

5. Ex-Post-Facto Approval:

The Deemed Universities shall obtain the ex-post-facto approval of the GOI/UGC/DEC, whichever applicable within a period of six months in the following cases:

I. Continuation of all the Departments opened in the campus of the Deemed Universities and off-campus Study Centre(s)/ institutions / offshore campus started without the prior approval of the UGC.

II. Distance education programme(s)/Study Centre(s) started without the specific approval of the DEC/UGC.

13.18 In order to discharge the aforesaid responsibilities in a more harmonious manner, a Joint Coordination Committee ('JCC') of UGC, AICTE and DEC was constituted (for an initial period of 3 years) by executing a Memorandum of Understanding (MOU) dated 10.05.2007. The chairman of DEC was also made ex-officio Chairperson of the JCC.

13.19 In 2010, the UGC framed the UGC (Institutions Deemed to be Universities) Regulations (the 2010 Deemed Universities Regulations).



Regulation 18.0 therein completely prohibited distance education by deemed to be universities. Same is as below:

"18.0. Distance education-

No institution deemed to be university, so declared by the Central Government subsequent to these Regulations, shall be allowed to conduct courses in the distance mode. Also such institutions declared as such, prior to these Regulations, shall not be allowed to conduct courses in the distance mode from any of its off campus centre/off-shore campus approved subsequent to these Regulations."

13.20 An order dated 29.12.2012⁷ was passed by MHRD that the Distance Education Council of Indira Gandhi National Open University/DEC cannot act as a regulator for other universities as it creates conflict of interest.

Relevant extract thereof is as below :-

"In view of the recommendations of the Madhava Menon Committee Report and Government's decision thereon, the Distance Education Council of Indira Gandhi National Open University (IGNOU) created under Statute 28 of the IGNOU Act cannot act as a regulator for other Universities as it creates conflict of interest. The Distance Education Council and the Board of Management of IGNOU have already passed resolution to repeal the Statute 28 and dissolve DEC under IGNOU. Therefore, the Central Government in exercise of the powers conferred by sub section 1 of section 20 of the UGC 1956 and the AICTE Act, 1987 hereby directs:-

- (i) *The UGC and AICTE as already empowered under their respective Acts, would also act as a regulator for Higher Education (excluding Technical Education) and Technical Education through open & Distance Learning (ODL) mode respectively. Universities are empowered under their respective Act to offer any programme course including in Technical Education in the conventional mode. However if they offer any programme/course in ODL mode they would require recognition from the UGC, AICTE, NCTE and other such regulators of the conventional mode of education in those areas of study....."*

13.21 Consequently, vide a notification dated 01.05.2013, DEC was dissolved the Distance Education Board ('DEB') was created instead, under the auspices and direct control of UGC. Thus, UGC as well as DEC/DEB

⁷ Source- OLCL judgment





being creations of statute are duly empowered with the responsibility for maintaining and coordinating Standards of Higher Education. While UGC has been given general responsibility, whereas DEB is to regulate Distance Education.

13.22 The position in law, which thus emerges is that deemed to be university is a creation under Section 3 of the UGC Act and, therefore, has to necessarily follow UGC guidelines / regulations to continue as 'deemed to be university'. Any regulations framed by other regulatory bodies in the education stream and/or statutory authorities viz. DEC/DEB are also essentially binding on the deemed to be University. In fact, this is one of the conditions of an institution to be declared as 'deemed to be university'.

14. In the backdrop of the legal provisions as discussed hereinabove, let us now address the questions framed in Para No.11 of the instant order by giving the answers to the same as below:-

Answer to Question (i) :-

It is evident that the status of deemed to be University granted to the institutes herein is contingent upon their adherence to the guidelines and instructions issued by the UGC as applicable. The preamble of the UGC Act further establishes the legislative intent to empower the UGC for the coordination and determination of standards to be maintained in universities, including those deemed to be Universities. The answer to question (i) is thus affirmative and readily apparent upon examining notifications issued by both the MHRD and UGC.

Answer to Question (ii):-

Regarding the introduction of new academic courses, the UGC guidelines introduced in 2000 and 2004 provide clear directives. Paragraph 2.1 of the





UGC Guidelines of 2004 explicitly states that deemed universities seeking to introduce new courses in professional subjects must comply with all requirements mandated by statutory professional councils and obtain their prior approval before approaching the UGC. It is noted that at the time of granting deemed to be university status, both institutes herein offered a limited number of courses. However, despite offering these courses through conventional classroom coaching, neither institute approached the UGC for prior consent to introduce new courses through conventional or regular modes. As for the introduction of courses through distance education, the relevant regulatory body, established under the IGNOU Act, 1985 by the DEC, necessitated prior approval for deemed universities to offer such programs. The ambiguity arises regarding whether UGC approval is required for both conventional and distance education modes for new courses. Nonetheless, it is clear that UGC approval for conventional or regular mode of education and DEC approval for distance education were imperative.

Answer to Question (iii) :-

The possibility of offering distance education by the institutions herein is abstractly affirmative. However, the intent appears to be that distance education should be conducted from the main campus of the university rather than through off-campus franchise arrangements. The introduction of the UGC (Institutions deemed to be universities) Regulations, 2010 imposed an absolute bar on deemed universities from conducting courses in distance mode. This regulation applies uniformly to both main campus and off-campus centers, regardless of any prior approvals granted.

Answer to Question (iv) :-



Concerning the establishment of off-campus institutions/education centers/study centers, it is imperative to seek prior approval from the UGC, as outlined in guideline 15 introduced in 2000. The first clause of guideline 15 permits deemed universities to establish centers either within their own area or at a location other than their headquarters, subject to prior UGC approval. Additionally, any proposal to start academic courses at such centers must also obtain approval from the UGC. While guideline No.5 of the UGC Guidelines of 2004 allows for ex post facto approval within six months, the standard practice dictates seeking prior approval.

Answer to Question (v):-

Once again, the affirmative response to this question is abstract, with conditions attached to seeking ex post facto approval for the introduction of new courses or starting distance education programs. As mentioned in response to question No. (iv) *ibid* such ex post facto approval must be obtained within six months of establishing the study center or initiating distance education programs.

15. I shall now advert to the specifics of the case in hand.

16. From perusal of the chronology of tabulate facts viz-a-viz the contents of the annexures/correspondence recited therein, a very crucial factum that emerges is that both the institutes commenced distance education and, started awarding ne' distributing degrees in under graduation as well as post graduation in multiple streams. That too, concededly, on the basis of self serving resolution passed by their management. No approval of any kind, what so ever, from any of the regulatory bodies viz. UGC, AITCE or DEC was taken.



16.1 Of course, in defence, as borne out from the letters written by both the institutions, their stand is that being deemed to be universities they did not require any approval. Furthermore, they fortify their stand that, in any case, approval, even if required, was granted ex post facto to them by DEC / joint committee. Thereafter, pursuant to the interim protection granted (various Coordinate Benches of this Court from time to time, then seized of this bunch) in different writ petitions, they continued to offer degrees by distance education.

16.2 Adverting now to the introduction of distance education by deemed to be universities. At the threshold itself, I am constrained to observe that a bare perusal of the correspondence⁸ exchanged between regulatory bodies and the education institutes is self explanatory and a telling tale of the flagrant violations blatantly committed by the institutes, with impunity, despite repeated warnings and cautions. Let us see how. Illustrative narrative herein after and recitals of the letters exchanged pertains to IASE (similar is the case of JRN).

16.3 After being accorded the status of deemed to be University, the IASE sought to introduce academic courses of MBA/MCA/Pharmacy/Hotel Management/Agri Business Management for the academic year 2003-04 onwards and sought permission of the Technical Education Department, Government of Rajasthan. Vide letter dated 26.10.2002, the IASE was notified that being a deemed University, it did not require any NOC from the State Government. The relevant extract thereof is as below:

“Being Deemed University it does not required NOC from the State Government”

16.4 The subsequent narrative hereinafter would reflect that the said letter of the State Government, merely stating that no NOC is required from it, has

⁸ Extracted hereinafter in the later part





been used as a shield by the IASE against the blatant violations it committed by not seeking any requisite permissions either from DEC or from UGC or AICTE which are the statutory bodies in their assigned fields i.e. general education, technical education and distance education, respectively. Such prior sanctions are statutorily mandated and yet the institute turned a blind eye to the same under the garb of the aforesaid letter of the State Government that no NOC is required from the Technical Education Department of the State.

16.5 Vide letter dated 05.12.2002, the IASE informed the DEC that it had decided to establish a Directorate of distance education as per the guidelines and norms prescribed by DEC with effect from the forthcoming Academic Session 2003-04 and for that purpose it sought a set of guidelines and norms notified by the DEC. DEC, in response thereof, vide its letter dated 13.12.2002, conveyed a copy of guidelines for establishing distance education centres. IASE was also informed that as a preliminary requirement, deemed to be University must pass a resolution by its academic council/executive council to the effect that it wished to establish a centre for distance education. Subsequently, vide letter dated 29.01.2003, the IASE informed the Secretary UGC regarding additional certain faculties in its deemed to be university. The proposed faculties to be added for the academic year 2003-04 were as below:



1.	Faculty of Management	MBA
2.	Faculty of Medicine	BHMS MD (Hom.) BAMS BDS.
3.	Faculty of Engineering	B.E. Computer, Electronics Information Technology.
4.	Paramedical Science	BPT, BOT, BMLT, BRIT etc
5.	Home Science	Graduation, BHSc.
6.	Faculty of Law	LLB
7.	Faculty of Lib. Sc.	Blib. Sc. M.Lib. Sc
8.	Computer Science	MCA, BCA, PGDCA

16.6 Once again, to be noted that there is no mention, whatsoever, of any kind, that these faculties were to be introduced for imparting education through distance mode.

16.7 Vide letter dated 24.02.2003, the IASE informed DEC that it was submitting a copy of the resolution dated 18.10.2002 passed by the Board of Management of the Institute with regard to starting the distance education programme from Academic Session 2002-03.

16.8 Director of Distance Education Council/IGNOU again cautioned the IASE to not commence any distance education without prior approval, vide letter dated 04.04.2003. The relevant extract of the same is reproduced herein below:

“Subject: Establishment of Directorate of Distance Education by Institute of Advanced Studies in Education (Deemed University), Gandhi Vidya Mandir, Sardarshahr, Rajasthan.

Dear,

This has reference to your letter No. IASE/DU/GVM/SRDR/643 dated 24.2.2003 addressed to the Chairman, DEC submitting therewith a copy of the resolution of the Board of Management for starting of distance education programme of your University from Session 2002-03.

xxxx

I would like to also inform you that no distance education programmes should be started before DEC approval.”

16.9 Undeterred by the aforesaid letter dated 04.04.2003 of DEC, the IASE replied to the DEC, vide letter dated 13.04.2003, which stated as under:



“Sub: Guidelines for Distance Education Institutions and Programmes.

Ref: Your letter No. F. No. DEC/1/--844/7989 dated 4.4.03.

Respected Sir,

With reference to the subject cited above that I am to request you that after approval from Academic Council of this deemed University the following programmes are run by this directorate successfully.

1. Information Technology.
2. Management.
3. Para Medical.
4. Fashion Technology.
5. Traditional Courses.
6. Science Stream.
7. Vocational Courses.

Kindly order for despatch us the guidelines prepared and published by Distance Education Council in the same reference immediately for the smooth running of these programmes under Distance Education Directorate.

I also acknowledge the Approval process for Distance Education Institutions and Programmes and I assure you the proper information and request will be submitted in time and University assures that we will not leave any stone unturned to project quality education under this directorate.

Kindly despatch immediately the guidelines of above mentioned programmes.

Thanking You.”

16.10 A perusal of the above letter, thus, reflects that the IASE introduced the distance education in various programmes under the self assumed approval from its own academic council i.e. the deemed to be university and no approval was sought from DEC.

16.11 Without there being any prior permission from either DEC or UGC, the IASE assumed the authority to introduce number of academic programmes through distance education by setting up a Directorate of distance education of its own as is borne out from letter dated 15.04.2003, which states as under:

“To,
The Secretary,
University Grant Commission,
Bahadur Shah Zafar Marg, New Delhi 110002



Sub: *Recognition of Degrees/Diplomas awarded by Institute of Advanced Studies in Education, Deemed University, Sardarshahr, Distt. Churu (Raj.)*

Ref: *F1-8/92 (CPP) February 1992 addressed to the Vice-Chancellor/Director of all Indian Universities/Deemed Universities/Institutions of National Importance.*

Respected Sir,

With reference to the subject cited above I the undersigned request that Institute of Advanced Studies in Education Deemed University, Sardarshahr was granted status of Deemed University by Ministry of Human Resource Development Govt. of India under Section 3 of U.G.C. Act.

The University under the kind guidance and permission of Distance Education Council established Directorate of distance Education to run number of programmes.

The University requests for issue of equivalence of Certificate, Diploma & Degrees awarded by this deemed university with other universities of India.

Thanking you.

Yours faithfully,

Registrar.”

16.12 Pausing here, it be noted that, no permission⁹, what so ever, was taken from DEC. It is wrongly so stated in the above letter. Reason is not far to seek. The deliberate misrepresentation is to obtain equivalency certificates from UGC.

16.13 Vide letter dated 28.07.2003, UGC sought the information from the IASE about the various courses being imparted and number of students enrolled for these courses through regular as well as distance education mode. The IASE responded vide letter dated 19.08.2003 apprising that it had a total of 293 students through distance education mode, apart from 467 students through distance education mode in ITM Management admitted in the year 2002-03, apart from 467 students in the regular mode in B.Ed and M.Ed courses. As regards the list of courses added through distance education mode, the IASE stated the same to be as below:

S.No	Name of the courses
1	M.Sc. Mathematics/Chemistry/Electronics/Life Sciences/Genetics/Geology/IT/Bioinformatics/Biotechnology/Microbiology/Biochemistry.

⁹ Subsequently *ex post facto permission* was taken which is discussed in later part.





2	M.Com/M.Com-Information Systems.
3	BCA/MCA/PGDCA.
4	B.Sc. Computer Science/IT/MLT/MRT/Physiotherapy/Naturopathy & Yoga/General/ Bioinformatics/Biotechnology/Microbiology/ Biochemistry/Sanitary Science/Fashion/Textile /Interior Design/Electronics/Automobile/Jewellery Design/Gemmology.
5	PG Diploma in e-Commerce/IT Enabled Services/Information Technology/Animation & Multimedia/Hospitality ^ Travel Tourism/Teaching of English Language/Career Guidance & Counselling/Vedic Sciences/Training Development/Bio-Informatics/Bio-Technology/Patent Laws/ Cheminformatics.
6	MBA/F-MBA.
7	BBA/BBm.
8	PG Diploma in Business Management/Marketing/Supply Chain Management/Personnel Management/Public Relations/Finance/International Business Management/Capital Markets and Merchant Banking/Insurance and Risk Management/ MC.
9	B.Tech. Mechanical/Electrical/Civil/IT/Electronics & Communication/Bio-Technology/Software.
10	BPT (Physiotherapy).
11	BHM (Hospital Management).
12	MA Open/Gen/Education/Insurance & Risk Management.
13	BA Open/Gen/Education/Insurance & Risk Management.
14	M.Lib. (MLIS).
15	B.Lib. (BLIS).
16	B.Com.
17	B.A. (H) Hospitality & Travel Tourism.
18	BJMC (Journalism and Mass Communication).
19	NMC.
20	BGL.
21	LLM.

16.14 Above table reflects that almost every academic course on earth other than MBBS and MD was being offered by the IASE through distance education mode, thus making a complete mockery¹⁰ of the education system.

16.15 Not to be outdone, in fact, au contraire, JRN perhaps did not want to leave any scope for IASE to compete with it qua the number of courses being offered. Same is borne out from the list of courses offered by JRN during years 2001-2005¹¹ which is tabulated as below :-

¹⁰ Situation is much worse in the case of JRN.

¹¹ Source- Annexure/15 filed by JRN in CWP No.9695 of 2008



**DETAILS OF COURSES RUN BY UNIVERSITY UNDER DISTANCE EDUCATION MODE
(Year: 2001 to 2005)**

SN	Name of the Course
1	Advance Diploma in Fashion Designing (ADFD)
2	Advance Diploma in Interior Designing (ADID)
3	Advanced Certificate in Medical lab Technology(ACMLT)
4	Bachelor of Business Management (BBM)
5	Bachelor of Computer Application(BCA)
6	Bachelor of Arts in "" (BA-Cin.)
7	Bachelor of Arts in Creative Arts (BA-CA)
8	Bachelor of Arts in Digital Arts (BA-DA)
9	Bachelor of Arts in Fashion Designing
10	Bachelor of Arts in Graphics
11	Bachelor of Arts in History/Economics/Political Science/Hindi/Sociology (BA-Hist./Eco/Pol.Sc/Hindi/Socio.)
12	Bachelor of Arts in Interior Designing
13	Bachelor of Arts in Jewelry Designing
14	Bachelor of Arts in Mass Communication
15	Bachelor of Arts in Painting
16	Bachelor of Arts in Radio & Television
17	Bachelor of Arts in Sculpture
18	Bachelor of Business Management (Applied Management)
19	Bachelor of Business Management (Telecom Management)
20	Bachelor of Business Management in Banking & Insurance (BBM-B&I)
21	Bachelor of Business Management in Business Planning Outsourcing (BBM-BPO)
22	Bachelor of Business Management in Entrepreneurship
23	Bachelor of Business Management in Media Management (BBM in MeM)
24	Bachelor of Business Management in Retail Marketing (BBM-RM)
25	Bachelor of Business Management in Tourism Management (BBM in TM)
26	Bachelor of Commerce (B.Com).
27	Bachelor of Fine Arts Fashion Design (B.F.A.)
28	Bachelor of Fine Arts Interior Design (B.F.A Interior Design)
29	Post Graduate Diploma in Yoga & Naturopathy (PGDYN)
30	Post Graduate Diploma in Yoga Science (PGDYS)
31	Pre University Courses (PUC)
32	Bachelor of Science in Information Technology (BSc-IT)
33	Bachelor of Science (Telecom Management)
34	Bachelor of Science in Animal Science & Biotechnology (B.Sc.(AS&BT)
35	Bachelor of Science in Biology(B.Sc.(Bio)
36	Bachelor of Science in Biotechnology(B.Sc(BT)

Handwritten signature



37	Bachelor of Science in Computer Science (BSc(CS))
38	Bachelor of Science in Electronic (BSc(Ele.))
39	Bachelor of Science in Home Science(BSc(HS))
40	Bachelor of Science in Hotel & Hospitality Management (BSc-HHM)
41	Bachelor of Science in Hotel Management & Catering Technology (BSc-HM&CT)
42	Bachelor of Science in Imaging Technology (BSc(ImT))
43	Bachelor of Science in Library Science
44	Bachelor of Science in Maths (BSc.Maths)
45	Bachelor of Science in Medical lab Technology (BSc.(MLT))
46	Bachelor of Science in Multimedia & Graphics Animation (BSc(MM&GA))
47	Bachelor of Science in ophthalmic Assistant
48	Bachelor of Science in Optometry(BSc.(opt.))
49	Bachelor of Science in Physical Education (BSc(Phy.Ed.))
50	Bachelor of Science in Yoga & Naturopathy (BSc-Y&N)
51	Bachelor of Technology (Telecom Management)
52	Bachelor of Technology in Aeronautical Engineering
53	Bachelor of Technology in Bio - Technology Engineering
54	Bachelor of Technology in Bioinformatics (B.Tech.Bioinfo)
55	Bachelor of Technology in Bio-Medical Technology (B.Tech-BMT)
56	Bachelor of Technology in Chemical Engineering
57	Bachelor of Technology in Civil Engineering
58	Bachelor of Technology in Computer Engineering
59	Bachelor of Technology in Computer Science(B.Tech(CS))
60	Bachelor of Technology in Construction Technology (B.Tech-CT)
61	Bachelor of Technology in Electrical Engineering
62	Bachelor of Technology in Electronics & Communication (B.Tech.E&C)
63	Bachelor of Technology in Electronics & Telecommunication
64	Bachelor of Technology in Marine Engineering
65	Bachelor of Technology in Mechanical Engineering
66	Bachelor of Technology in Mechanical(honours) (B.Tech.Mech.(hon.))
67	Bachelor of Technology in Metallurgy & Material Science
68	Bachelor of Technology in Mining Engineering
69	Bachelor of Technology in Petro Chemical Technology (B.Tech-PCT)
70	Bachelor of Technology(Integrated) Electronics & Communication
71	Bachelor of Technology(Integrated) in Computer Science (B.Tech.(int.)CS)@
72	Bachelor of Technology(Integrated) in Mechanical (B.Tech.(int.)Mech.)@
73	Certificate course in Accessory Designing (CCAD)
74	Certificate course in Computer Graphics
75	Certificate course in DIP
76	Certificate course in Fashion Designing (CCFD)
77	Certificate Course in Garment Construction (CCGC)
78	Certificate course in Interior Designing (CCID)
79	Certificate course in Internet Technology
80	Certificate course in Jewellery Designing (CCJD)
81	Certificate course in Sketching (CCS)





82	Certificate Course in Telecom Services
83	Certificate course in Textile Science (CCTSc,)
84	Certificate course of Accounting
85	Certificate course of Data Structure
86	Certificate course of Programming in C
87	Certificate course of Programming in C++
88	Certificate course of Programming in Fox-Pro
89	Certificate course of Programming in Java
90	Certificate course of Programming in Oracle/
91	Certificate course of Programming in SQL
92	Certificate course of Programming in VB
93	Certificate Diploma in Air-Conditioning & Refrigeration Engineering (DACRES)
94	Certificate Diploma in Automobile Engineering (DATES)
95	Certificate Diploma in Electrical Engineering (DEES -Electrical)
96	Certificate Diploma in Electronics Engineering (DEES)
97	Certificate Diploma in Mechanical Engineering (DMES)
98	Certificate Diploma in Video Communication Engineering Services (DVCES)
99	Certificate in Accommodation Operation (CAO)
100	Certificate in Banking Practices
101	Certificate in Basic Information Technology
102	Certificate in Bio-Medical Technology (CBMT)
103	Certificate in Carpentry & Aluminum Fabricator (CCAF)
104	Certificate in Cement Technology (CCeT)
105	Certificate in Community Health Work(C.C.H.W.)
106	Certificate in Computer Maintenance (CCM)
107	Certificate in Computing
108	Certificate in Constructional Technology (CCT)
109	Certificate in Dairy Technology (CDT)
110	Certificate in Fabricator Welder Technology (CFWT)
111	Certificate in Fitter Technology (CFT)
112	Certificate in Food & Beverage (CFB)
113	Certificate in Food Production (CFP)
114	Certificate in Front Office (CFP)
115	Certificate in Fruits & Vegetable Technology (CFVT)
116	Certificate in Hotelling & Catering services (CHCE)
117	Certificate in Indian Traditional Embroideries (CITE)
118	Certificate in Information Technology (CIT)
119	Certificate in mechanic of four wheeler (CMFW)
120	Certificate in mechanic of two wheeler (CMTW)
121	Certificate in Medical lab Technology(CMLT)
122	Certificate in Mobile Repairing (CMR)
123	Certificate in MS-Office
124	Certificate in Naturopathy & Yoga Technology (CNYT)
125	Certificate in Nursery Education (CNE)
126	Certificate in Paper Technology (CPaT)





127	Certificate in Petro Chemical Technology (CPCT)
128	Certificate in Physical Education (CPh.Ed.)
129	Certificate in Physiotherapy(CPT)
130	Certificate in Polymer Technology (CPoT)
131	Certificate in Primary Nursing Management (CPNM)
132	Certificate in Printing Technology (CPr.T)
133	Certificate in Refrigerator Mechanic (CReM)
134	Certificate in Repairing of Electrical Equipments (CREI.E)
135	Certificate in Repairing of Motor winding (CRMW)
136	Certificate in Sanitary Inspector (CSI)
137	Certificate in School Sports Education (CSSE)
138	Certificate in Turner Technology (CTT)
139	Certificate in TV/VCD mechanic (CT/VM)
140	Certificate in Veterinary Assistant (CVA)
141	Diploma in Accounting & Tax Procedure (DAc&TP)
142	Diploma in Anaesthesia Technician (DAT)
143	Diploma in Art & Craft (DA&C)
144	Diploma in Automobile Engineering
145	Diploma in Ayurvedic Pharmacy (D-AP)
146	Diploma in Bio-Medical Technology (DBMT)
147	Diploma in Blood Banking Management(DBBM)
148	Diploma in Civil Engineering
149	Diploma in Computer Hardware Technology(DCHT)
150	Diploma in Computer Science
151	Diploma in Computer Software Technology(DCST)
152	Diploma in Construction Technology (DCT)
153	Diploma in Drawing & Handicraft (DDH)
154	Diploma in Electronics & Telecommunication Engineering
155	Diploma in Electrical Engineering
156	Diploma in English Speaking & Writing (DESW)
157	Diploma in Fashion Designing(DFD)
158	Diploma in Fashion Design (DFD)
159	Diploma in Health & Beauty (DHB)
160	Diploma in Hotel Management & Catering Technology (DHM&CT)
161	Diploma in Hotel Operations (DHO)
162	Diploma in Information Technology (DIT)
163	Diploma In Interior (DID)
164	Diploma in Interior Designing(DID)
165	Diploma in Livestock & Poultry disease & Diagnosis Management (DLPDDM)
166	Diploma in Maternal Child Health Care (DMCHC)
167	Diploma in Mechanical Engineering
168	Diploma in Medical Lab Technology(DMLT)
169	Diploma in Medical Radiology Technology(DMRT)
170	Diploma in Multi Purpose Health Worker (MPHW)
171	Diploma in Naturopathy & Yoga Technology (DNYT)



172	Diploma in Operation Theatre Technician (DOTT)
173	Diploma in Ophthalmic Assistant (Doph.A)
174	Diploma in Optometry (D.optA)
175	Diploma in Petro Chemical Technology (DPCT)
176	Diploma in Physician Assistant (DPhy. A)
177	Diploma in Physiotherapy(DPT)
178	Diploma in Plastic Technology (DPcT)
179	Diploma in Teaching of Art & Craft Education(DTACE)
180	Diploma in Telecom Management
181	Diploma in Tourism & Hotel Management (DT&HM)
182	Diploma in Veterinary & Live Stock Development Assistant (VLDA)
183	Diploma in Veterinary Assistant (DVA)
184	Diploma in Veterinary Pharmacy
185	Doctorate of Philosophy (PhD.)
186	Executive MBA in IIRM/FM/MM/IT/MC&J/BT/Com.Mgt./Cons.Mgt/Me.Mgt./AM/EM/IRM/PME&LM/BPO/TM/IBM
187	Master in Computer Application (MCA)
188	Master of Social worker (MSW)
189	Master of Arts in Political Science
190	Master of Arts in Applied Psychology & Organisational Behaviour
191	Master of Arts in Cinema
192	Master of Arts in Economics (MA-Eco).
193	Master of Arts in Education (MA-Ed).
194	Master of Arts in English
195	Master of Arts in Fashion Designing(MA-FD)
196	Master of Arts in Hindi
197	Master of Arts in History
198	Master of Arts in Interior Designing(MA-ID)
199	Master of Arts in Jewelry Designing(MA-JD)
200	Master of Arts in Mass Communication(MA-MC)
201	Master of Arts in Radio & Television (MA-R&T)
202	Master of Arts in Sociology
203	Master of Business Administration (MBA) (Traditional)
204	Master of Business Administration in Advertising Management
205	Master of Business Administration in Biotechnology
206	Master of Business Administration in Construction Management
207	Master of Business Administration in Entrepreneurship & Leadership Management
208	Master of Business Administration in Events Management
209	Master of Business Administration in Financial Management
210	Master of Business Administration in Human Resource Management
211	Master of Business Administration in Information Technology
212	Master of Business Administration in Insurance Risk Management
213	Master of Business Administration in Marketing Management
214	Master of Business Administration in Mass Communication & Journalism (MBA-MC&J)
215	Master of Business Administration in Media Management



216	Master of Business Administration in Pharmaceutical Management
217	Master of Business Administration in Tourism Management
218	Master of Business Administration in Business Planning Operation (MBA- BPO)
219	Master of Business Administration in Communication Management
220	Master of Business Administration in International Business Management
221	Master of Business Management (Applied Management)
222	Master of Business Management (Telecom Management)
223	Master of Commerce (M.Com.)
224	Master of Philosophy in Chemistry (M.Phil.- chem.)
225	Master of Philosophy in Commerce
226	Master of Philosophy in Economics
227	Master of Philosophy in Education
228	Master of Philosophy in English
229	Master of Philosophy in Hindi
230	Master of Philosophy in History/
231	Master of Philosophy in Management
232	Master of Philosophy in Maths
233	Master of Philosophy in Physics
234	Master of Philosophy in Political Science
235	Master of Philosophy in Zoology (M.Phil.- Zo.)
236	Master of Philosophy in Botany
237	Master of Philosophy in Computer Science
238	Master of Physiotherapy in Cardiothoracic
239	Master of Physiotherapy in Hand Conditioning
240	Master of Physiotherapy in Neurology
241	Master of Physiotherapy in orthopaedics
242	Master of Physiotherapy in Sports Therapy
243	Master of Science (Telecom Management)
244	Master of Science in Information Technology
245	Master of Science in Biotechnology(MSc(BT)
246	Master of Science in Botany (MSc-Bo.)
247	Master of Science in Chemistry (M.Ssc.(Ch.)
248	Master of Science in Clinical Pathology (MSc.(CP)
249	Master of Science in Computer Science (M.Sc.(CS)
250	Master of Science in Electronics (MSc(Elec.)
251	Master of Science in Home Science(M.Sc.(HS)
252	Master of Science in Hotel Management & Catering Technology
253	Master of Science in Library Science (MSc-Lib.Sc.)
254	Master of Science in Maths (MSc-Maths)
255	Master of Science in Medical Biochemistry (M.Sc(MBC)
256	Master of Science in Medical Lab Technology (MSc.(MLT)
257	Master of Science in Medical Microbiology(MSc(MMB)
258	Master of Science in Microbiology(MSc(MB)
259	Master of Science in Multi Media
260	Master of Science in optometry

10.10



261	Master of Science in Pharmaceutical Chemistry (M.Sc.(PC.))
262	Master of Science in Physics(M.Sc.(Phy.))
263	Master of Science in Psychology & Behavioral Science (M.Sc.(Psycho.&BS))
264	Master of Science in Zoology (MSc-Zo.)
265	Master of Technology in Bio-Medical Technology
266	Master of Technology in Civil
267	Master of Technology in Computer Science
268	Master of Technology in Computer Science (M.Tech. (CS))
269	Master of Technology in Construction Technology
270	Master of Technology in Electrical
271	Master of Technology in Electronics & Communication (M.Tech-E&C)
272	Master of Technology in Electronics & Telecommunication
273	Master of Technology in Mechanical
274	Master of Technology in Mechanical
275	Master of Technology in Petro Chemical Technology
276	Post Graduate Diploma in Sports Medicine (PGDSM)
277	Post Graduate Diploma in Nutrition & Dietician (PGDND)
278	Post Graduate Diploma in Bioinformatics Technology(PGDBT)
279	Post Graduate Diploma in Business Management (PGDBM)
280	Post Graduate Diploma in Clinical Pathology(PGDGP)
281	Post Graduate Diploma in Clinical Research Management(PGDCRM)
282	Post Graduate Diploma in Computer Application (PGDCA)
283	Post Graduate Diploma in Computer Engineering (PGDCE)
284	Post Graduate Diploma in Dairy Technology (PGDT)
285	Post Graduate Diploma in Hospitality Management (PGDHM)
286	Post Graduate Diploma in Information Technology(PGDIT)
287	Post Graduate Diploma in Journalism (PGDJ)
288	Post Graduate Diploma in Print & Electronic Media (PGDP&EM)
289	Post Graduate Diploma in Telecom Management
290	Post Graduate Diploma in TV Journalism & Communication (PGDTJ&C)
291	Post Graduate Diploma in Video Production (PGDVP)
<u>Collaboration Program</u>	
292	Bachelor of Physiotherapy (BPT) Collaboration Program
293	Bachelor of Homoeopathic Medicine & Surgery (BHMS)
294	Bachelor of Homoeopathic Medicine & Surgery (Graded)
295	Doctor of Medicine (Homoeopathy)



16.16 A bare look at the above table of shows that even a big Shopping Mall would not have as many as outlets as the number of courses being offered by J.R.N. by distance education mode i.e. a total of 295 programmes. Almost everything on earth, except Rocket Science or course/degree for Pilots to fly Aeroplane or Astronauts to launch / make Space Shuttles, was being offered.

16.17 Another letter dated 17.02.2004 written by Pro-Vice Chancellor of IGNOU to the IASE, being self explanatory, is reproduced herein below:

*“Prof. S.C. Garg
Pro-Vice Chancellor
Sub: Approval of programmes-reg.*

*Dear Dr. Pradhan,
This is to draw your attention to the list of study centres provided to the DEC expert committee during its visit to your University for approval of programmes offered through distance mode. On perusal of list, it has been observed that some of the study centres of the University are having addresses with house numbers. Further it is also noticed that qualifications of a few counsellors are not given and address appears at 3-4 places. This gives the impression that the university has made franchisee arrangements for offer of programmes.*

As you may be aware, study centres should be located in colleges and university departments having proper infrastructure facilities and qualified counsellors. This is necessary to ensure optional standards in the system. We will be able to process the request further on the receipt of the clarification to our queries.

With

Yours sincerely,

(S.C. Garg)”

16.18 Thus, some of the study centres of IASE were having addresses with mere house numbers. Same addresses appears at 3-4 places, giving the impression that IASE has entered into franchisee arrangements to offer its programmes. Even qualifications of few counselors were not given.

16.19 Alarmed by the above position, UGC, vide its letter dated 16.03.2004, directed that deemed universities are to seek prior approval



from the UGC and DEC for starting new courses and opening new academic centres as under:-

“The UGC has taken a serious note of it. In keeping with the UGC’s mandate to maintain the standard of teaching and research in Universities, it has been decided that the deemed to be the Universities will have to obtain the prior approval of the UGC for starting new courses, for opening academic centres/study centres/off campuses etc. All those deemed to be Universities which are already engaged in such kinds of activities shall solicit UGC’s approval within six months of issue of this letter failing which the courses/centres run by the Universities shall be declared unrecognized by the UGC. A copy of the UGC guidelines and procedure to be adopted for establishing new departments within the campus, setting up off-campus centre(s) / institution(s) off-shore campus(es) and starting distance education Programme, is enclosed along with the prescribed proforma. You are requested to follow these guidelines in letter and spirit for establishing new centres and for already established centres. The proposals in the prescribed proforma shall be sent to the UGC for new as well as continuing courses/centres for consideration/ ex-post-facto approval of the Commission.”

16.20 To be noted, the above letter pertains to the regular mode of teaching, though the distance mode of education guidelines were appended with the letter.

16.21 IASE was again warned by UGC qua the violations committed by it. Same is borne out from letter dated 30.06.2004 of UGC addressed to the IASE. The entire letter, being apposite, is reproduced herein below:

*“The Vice-chancellor,
Institute of Advanced Studies in Education
(Deemed University)
Sardarshahr-331401 (Rajasthan)*

Subject: *Opening of extension centres/distance education study Centre/off campus centres of IASE.*

Sir,

(1) I am directed to say that Institute of Advanced Studies in Education, Sardarshahr (Rajasthan) was granted Deemed University status w.e.f. 25.6.2002 vide Government of India notification No.F9-29/2000-U.3 dated 25.6.2002. The Institute was conducting only





B.Ed, M.Ed, and Ph.D. courses. After becoming Deemed University, the institute has started a number of courses like B.Tech, M.Tech, and M.B.A. and courses in Ayurvedic Pharmacy. A number of complaint have been received regarding conducting Technical courses by this Deemed University through distance education from its various study centers/off-campus centers/extension centers.

(2) I am to invite your attention to the observation made by the representative of the Ministry of HRD in the Board of Management (BOM) of the Institute of Advanced Studies in Education (IASE) Deemed University at Sardarshahr on 11th May, 2004 (copy attached). It has been reported that the Institute had so far set up 600 studies centers including about 50 extension centers all over India without approval of the University Grants Commission. It has been alleged that some of these Centres are practically non-existent with hardly any support system for proper conduct of education in distance mode. It was also highlighted that the Institute was running some of the programmes namely MBA, IT and M.Tech for which it did not have their own faculty or regular programme on the campus but yet it has chosen to start courses in distance mode. It causes irreparable damage to the credibility and bonafide of the institute which has acquired Deemed to be University status only recently.

(3). Attention is again invited to the UGC guidelines (2000) on Deemed Universities regarding off-campus Centre (Para 15) requires:

(i) The centre(s) shall be set up with the prior approval of the UGC and that of the State Government where the Centre(s) is/are proposed to be opened.

(ii) Proposal for starting various academic courses shall have the approval of the UGC.

(iv) The over-all performance of the Centre shall be monitored annually by the UGC whose directions for management, academic development and improvement shall be binding.

(v) If the functioning of the Centre does not fulfil UGC's directions and recommendations and it remains unsatisfactory for three years, as decided by the UGC on the basis of the recommendations of the Monitoring Review Committee, the Deemed University shall be instructed by the UGC to close down the Centre in which event the liabilities of the Centre shall be taken over by the concerned Deemed University.

(4). The UGC new guidelines on establishment of off-campus centres/ Distance Education circulated vide letter No.F.6-7/2003(CPP-I) dated 16.03.2004 also provides for taking approval of the UGC:

Distance Education

“The Deemed to be University could offer the distance education programmes only with the specific approval of the Distance Education Council (DEC) and the University Grants Commission (UGC). As such, any study centre(s) can be opened only with the specific approval of the Distance Education Council and UGC”.

(5). The Commission has been receiving a number of complaints in respect of IASE regarding offering courses under Undergraduate and Postgraduate level in various disciplines including B.Tech, M.Tech,





and MBA and courses in Ayurvedic Pharmacy computer Science, Business Studies, Para-medical Studies etc. through study centre(s) spread all over the country of which do not have required infrastructure to maintain the standard of education.

(6). *The IASE Sardarshahr after fulfilling the requirements of norms laid down by DEC/AICTE/UGC has yet to furnish to UGC its proposal for approval of study center/off-campus centers.*

(7). *The study centre/off-campus centers in distance mode opened by IASE are without prior approval of statutory council (s)/State Government/UGC.*

(8). *The IASE, Sardarshahr is silent on furnishing the details of fulfilling the norms as laid down by the Distance Education Council nor has attached specific approval of Distance Education Council and UGC.*

(9). *It may be pointed out that unless the IASE is fully prepared in terms of faculty and infrastructure laid down by the Statutory bodies, it would not be desirable to start any graduate and postgraduate level courses.*

(10). *To avoid the irreparable loss and suffering to the prospective students seeking admission in the study centre(s) in the distance mode which are running without UGC approval, the UGC and IASE have to ensure providing education with adequate infrastructural facilities to maintain the standard of Education.*

(11). *It is, therefore, requested that IASE, Sardarshahr (Rajasthan) may send a complete list of its off-campus centers/study centers/extension centres giving details of courses/infrastructure in terms of faculty, building, library, laboratory within 21 days from the date of issue of this letter falling which the UGC will be constrained to issue a public notice for information to public that the extension centers/study centre(s) in distance mode all over the country run by the Institute of Advance Studies in Education Sardarshahr are not approved by the UGC. Therefore, public is warned to take admission at their own risk.*

Yours faithfully,

*(Dr. (Mrs.) Pankaj Mittal)
Joint Secretary”*

16.22 IASE was asked to plug the blatant violation being committed by it vide another letter of March, 2005 (date not clear) of UGC, which is as below:

“The Registrar



Institute of Advanced Studies in
Education of Gandhi Vloya Mandir
Sardarshahr-331401

Sub: Recognition of courses at various distance education centres all over India.

Sir,

It has come to the notice of the UGC that some of the Deemed Universities have started Degree Courses through Distance Education Mode without the prior approval of the Distance Education Council. I have been directed to inform you that if your institute has started any degree course without the prior approval of the competent authority, you are requested to close down these degree courses. If no action in this regard is taken by your institution the Deemed University status awarded to your Institute may be withdrawn. You are once again requested to take urgent action in the matter and inform the Commission accordingly.

Yours faithfully,

(CK Kapahi)
Deputy Secretary”

16.23 Realizing that no heed was being paid by the deemed to be university including the IASE, another letter dated 19.04.2005 written by UGC cautioning that in case guidelines are not followed, the status of deemed to be university shall be withdrawn. The said letter states as below:

“Dear Sir,

Of late, it has been observed that some of the institutions, who have been accorded deemed to be university status, are not following prescribed guidelines with regard to admissions, fees, introduction of new courses (including courses offered through private franchising under distance learning) and intake capacity of the students. Some of the deemed to be universities offering courses in Engineering and Technology have increased their intake capacity manifold without corresponding increase in the infrastructure and without seeking approval from any regulatory authority. The deemed to be universities are not even holding regular meetings of the Board of Management and Finance Committee as per the provisions contained in their Memorandum of Association and Rules. The Minister of Human Resource Development has also taken a serious view on this issue. Keeping in view the above, it has been decided to take the following actions:

1. All the deemed to be universities shall seek prior approval of the UGC for any increase in intake capacity or for starting any course. The norms laid down by the concerned statutory councils shall be followed in this regard. To regularize the enhancement in the intake capacity



already undertaken or the courses which have already been started without UGC's approval, a one time opportunity is being given to the deemed to be universities to obtain ex-post-facto approval within three months of the issue of this letter. For this purpose, the information may be submitted to the UGC expeditiously in the prescribed proforma enclosed as Annexure-1.

2. All the deemed to be universities are required to hold regular meetings of the Board of Management and Finance Committee. The information regarding the date of the meetings, agenda and the minutes shall also be sent to the UGC and the MHRD regularly.

3. The UGC shall constantly and closely monitor the working of deemed to be universities to ensure that the objectives for which the deemed to be universities were set up, are being fulfilled. For this purpose, the UGC may cause inspection of any deemed to be university or its centre randomly. The expert committee constituted for the purpose may suggest any improvement required in the functioning and management of the institute and may even recommend for the withdrawal of the deemed to be university status if it feels that the objectives are not being met.

For this purpose, relevant information may be sent to the UGC in the enclosed proforma (Annexure-II) at the earliest.

Yours sincerely,

(Pankaj Mittal)"

16.24 To the aforesaid letter of 19.04.2005, a response was submitted by the IASE, vide its letter dated 02.07.2005, which states as under:

*"Dr. (Mrs.) Pankaj Mittal
Joint Secretary, University Grants Commission,
Bahadur Shah Zafar Magr,
New Delhi-11002*

Sub: *Submission of Prescribed Proforma for ex-post-facto approval of courses.*

Reference: *Your letter D.O. No. F.6-16/2005 (CPP-1) dated 19th April 2005.*

Respected Madam,

In reference to the above cited letter, the duly filled in Prescribed Proforma is being enclosed herewith for your kind consideration. It is humbly submitted that, subsequent to your D.O. No. F.6-7/2003(CPP-1) dated 16th March, 2004, we had applied earlier also in September, 2004 (copy enclosed) for the ex-post-facto approval, though, we have not heard anything from you so far in this regard.

We are again submitting some important information about our programmes.



1. At the time of conferment of Deemed University status, Gandhi Vidya Mandir, the sponsoring Institute, was running Ph.D. (Education), M.Ed., B.Ed., S.T.C. and HAMS (Degree in Ayurved) programmes.

2. M.Phil (Education) programme was started in 2003-2004. We sent two letters to the Commission bearing Nos.IASE/D/GVM/SRDR/410/2002 dated 16th Aug. 2002 and IASE/DU/GVM/SRDR/467/2002 dated 16th Sept. 2002 for the permission.

3. We also sought permission from the Commission to start additional courses in Management, Medicine, Engineering, Paramedical Science, Home Science, Law, Library Science and Computer Science vide letter IASE/62 dated 29th Jan, 2003. The UGC replied vide letter no. F.1-52-97 (CPP-II) dated 29th July 2003 stating that out of the degrees mentioned, BMLT and BRIT were not specified by the UGC. We were, however, directed "to offer only those degrees which have already been specified by the UGC". We started some of the said programmes, without initiating any step to run those courses which were not specified by the UGC.

4. IASE also applied to AICTE for recognition of its degrees viz. B.E. (Electrical, Mechanical, Electronics & Communications Engg. And Computer Science Engg.) and MBA, AICTE issued LOI for the session 2005-06 to 2007-08. AICTE's expert Committee has inspected our infrastructure. The Institute has rectified the deficiencies pointed out by AICTE and again submitted for reconsideration of the courses.

5. IASE has received LOI from NCTE for starting Nursery Teacher Training School Teaching and additional B.Ed. programmes from session 2005-06. Rajasthan Govt. has also given No Objection Certificate for the purpose. The Faculty will be appointed as per UGC prescribed qualifications.

6. IASE has introduced UG & PG Traditional Science Courses,

7. All the above Courses have been duly approved by the Academic Council and Board of Management of IASE.

IASE assures that it shall always be adhering to the norms laid down for the purpose by UGC and other Statutory Councils.

In view of the above clarifications and justifications, the Institute shall always be grateful if the Commission gives ex-post-facto approval to run the above said courses.

Hoping for a favourable reply.
With kind regards,

Yours sincerely,

Maj. Gen. (Retd.) A.C. Sharma
Pro Vice Chancellor"



16.25 A perusal of the above clearly reflects that there is a candid admission on part of the IASE that all it had done was written two letters to the Commission for permission of M.Phil but no such permission was granted for the year 2003-04. Likewise, permission was sought for additional courses in management etc. as borne out from para 3 of letter, supra, but that is where the matter rested. Without waiting for the permission, the institute started these courses and some of the courses were not even specified by UGC.

16.26 Finally IGNOU/DEC, vide letter dated 27.06.2005, informed the IASE that the distance education programmes offered by it are not approved.

The said letter is reproduced herein below:

*“Prof. S.C. Garg
Pro-Vice Chancellor
Sub: Recognition of distance education programmes of IASE Deemed
University Sardarshahr, Rajasthan – reg.*

*Dear Dr. Pradhan,
This has reference to your application for the approval of programmes based on the recommendations of the UGC vide letter dated 19th August, 2004 and the report of the DEC expert committee, the infrastructure and delivery mechanism were evaluated at study centres. We sent expert teams to visit study centres which are the main delivery points for education. It has been observed that 23 study centres as claimed in the document submitted by your institutions did not even exist as reported by the visiting experts members. Further 20 study centres have very poor infrastructure facilities hardly suitable to provide education.*

As you know, a study centre plays an important role in delivery of programmes through distance mode and act as a nodal centre for peer-interaction and student support. You would agree that lack of these facilities adversely affect not only learner performance but also the reputation of ODL system. In view of the above it has been decided not to approve the programmes of your institute.

With regards.

Yours sincerely,

16.27 Thus, the Distance Education Council's stand in its reply to the petition is that it observed that 23 study centres, as claimed in documents submitted by the IASE-institutions, do not exist, as reported



by visiting expert members. Additionally, 20 study centres were found to have very poor infrastructure hardly suitable to provide education.

16.28 Public notice dated 09.08.2005 was issued by UGC, which is extracted as below :-



**“UNIVERSITY GRANTS COMMISSION
BAHADUR SHAH ZAFAR MARG
NEW DELHI – 110 002**

F-6-9/2004(CPP-I) 9th August, 2005

Subject: Non-Recognition of Study Centres of Deemed Universities-(i) JRN Rajasthan Vidyapeeth, Udaipur (ii) Allahabad Agricultural Institute (AAI), Allahabad & (iii) IASE Gandhi Vidya Mandir (IASE) (Deemed University), Sardarshahr, Rajasthan The University Grants Commission has been receiving a large number of letters from individuals and organizations seeking clarification about Study Centres of Deemed Universities particularly those associated with (i) Janardan Rai Nagar Rajasthan Vidyapeeth (Deemed University), Udaipur (ii) Allahabad Agricultural Institute (Deemed University), Allahabad (iii) Institute of Advanced Studies in Education of Gandhi Vidya Mandir (IASE) (Deemed University), Sardarshahr, Rajasthan.

It is hereby informed that (i) Janardan Rai Nagar Rajasthan Vidyapeeth (Deemed University), Udaipur (ii) Allahabad Agricultural Institute (Deemed University), Allahabad (iii) Institute of Advance Studies in Education of Gandhi Vidya Mandir (IASE) (Deemed University), Sardarshahr, Rajasthan have been declared as Deemed to be Universities by the Government of India under Section 3 of the UGC Act 1956.

These Institutions are empowered to award degrees as specified by the UGC under Section 22 of the UGC Act 1956. However above three Deemed Universities have not been permitted to affiliate a College/Institute. These Institutions have also not been allowed to conduct any course through Distance Education Study Centre so far, by the Distance Education Council/UGC.

Needless to mention that prior approval of Distance Education Council, IGNOU Campus, New Delhi-110 067 is also required for starting courses offered under Distance Education mode.

It is for the information of all concerned that no Deemed to be University can start Study Centres/franchises without the prior approval of UGC and that of State Government where the Centre(s) is/are proposed to be opened. Private franchising is not allowed. Moreover, for starting any UGC approved degree course through Distance mode, prior approval of the Distance Education Council is mandatory.

Students are advised to keep these things in mind while getting admission in Deemed to be Universities.

(V.K. Jaiswal)
Under Secretary
Ph: 011-23235640
Publication Officer
UGC Website
New Delhi”

16.29 Yet again, vide letter dated 11.08.2005, IASE was cautioned by DEC to obtain statutory approvals from the various competent authorities for various provisional courses being offered by it and submit the same to DEC.

The said letter is reproduced herein below:



“Prof S.C. Garg
Pro Vice-Chancellor

IG/PVC/05
August 11, 2005

Dear Maj. Gen. (Retd.) Sharma ji,
This has reference to your letter dated 1st August, 2005 in response to our letter of July 27, 2005. As explained to you in person when you visited my office, you are required to undo franchising and obtain approval of Statutory Authorities for various professional courses on offer. On receipt of the same, DEC shall process your request, subject to the fulfilment of guidelines issued from time to time.

In this connection, I would also like to inform you that the Gazette Notification, a copy of which was given to you by hand, stipulates that no programme on offer through distance mode shall be deemed to be valid for Government employment, unless it has been approved by DEC. You are, therefore, requested to re-submit the list of the study centres after de-notification of the franchised institutions, as indicated in our letter dated 27th July, 2005. I hope you will make all sincere efforts to follow the guidelines issued by DEC to ensure quality of education.

With regards,

Yours sincerely,

(S.C. Garg)”

16.30 Another public notice dated 23.08.2005 on the same lines as the earlier one dated 09.08.2005 ibid was issued by UGC.

16.31 It appears that the IASE unabashedly continued to offer various academic programmes through distance mode as is borne out from letter dated 26.10.2005 written by UGC, whereby it was asked to indicate number of students (course-wise and year-wise) admitted under the distance education mode and regular mode indicating the name of location of each center in every State of the country. The response to the said letter was given by the IASE vide letter dated 15.11.2005 disclosing that it had 216 centers spread all over India in almost all the States having 28,377 students admitted in various courses including B.Tech, M.Tech, MSC, MBA, MCA, Pharmacy, BA, MA, B.Com, BSC, BBA for the academic years 2004-05. Subsequently, on the asking of UGC/DEC, IASE provided the information in the prescribed format



and a perusal of the same reflects that within a span of one year, it had set up as many as 600 study centres including 50 extension centres all over Indian without the approval of UGC to impart education through distance mode.

16.32 Upon receipt of the aforesaid information, UGC passed the following order dated 17.11.2005,:

*“The Registrar,
Institute of Advanced Studies in Education
Of Gandhi Vidya Mandir (IASE)
(Deemed University)
Sardarshahr-331401 (Rajasthan)*

Subject: *Non-recognition of Distance Education Programme/Study Centres of Institute of Advanced Studies in Education of Gandhi Vidya Mandir (IASE) (Deemed University) Sardarsahar (Rajasthan)*

Sir,

I am directed to refer to your letter No. IASE DU/DE/Delhi camp/03/2004 dated 14th September 2004 on the above subject and to say that the Distance Education Council, the designated statutory body for regulating Distance Education Programme of the Universities in the country, has evaluated the Distance Education Programme and Study Centres of Institute of Advanced Studies in Education of Gandhi Vidya Mandir (IASE) Deemed University, Sardarshahr and concluded as under vide their letter No. F.DEC/1835 dated 27.6.2005.

“The Distance Education Council, IGNOU, New Delhi on the basis of the report of DEC Expert Committee has informed the Institute that the infrastructure and delivery mechanism were evaluated at study centres...It has been observed that 23 study centres as claimed in the documents submitted by your Institutions did not even exist as reported by the Visiting Experts members. Further 20 study centres have very poor infrastructure facilities hardly suitable to provide education.

As you know, a study centre plays an important role in delivery of programmes through distance mode and act as a nodal centres for peer-interaction and student support. You would agree that lack of these facilities adversely affect not only learner performance but also the reputation of ODL system. In view of the above, it has been decided not to approve the programmes of your Institute.

A copy of DEC (IGNOU) letter No. F.DEC/1835 dated 27.6.2005 addressed to IASE, Sardarshahr is attached.

Position of Non-recognition of Study Centres/Distance Education Programme of Deemed University also posted in UGC Website vide Notices dated 9.8.2005 and 23.8.2005 (copies attached)



In view of the above, the UGC regrets its inability to grant ex-post-facto approval for Study Centres/Extension Centres/Academic Centres run under Distance Education mode offering various courses by IASE, Sardarshahr. Accordingly, you are directed to close down all such study centres/extension centres/academic centres under Distance Education Programme immediately and send the compliance report to UGC.

Yours faithfully,

(Dr. (Mrs.) Pankaj Mittal)
Joint Secretary”



16.33 Pursuant to MOU dated 10.05.2007, upon the constitution of the Joint Committee of UGC, AICTE, and DEC, the UGC, through a letter dated 12.05.2008, informed all deemed universities, including the IASE Deemed University, to approach the Joint Committee for the grant of approval/ex post facto approval for their distance education programs. Relevant extract of the said letter is as below:

“With reference to your proposal for ex-post-facto approval to the courses run under distance mode by the deemed university, I am directed to inform you that the Government of India, MHRD convened a meeting on 19th February, 2008 which was chaired by Secretary, Department of Higher Education. It was decided that the approval granted by Distance Education Council (including ex-post-facto) must be reviewed and the approval should be granted to the courses and not to the institute. Distance Education Council has also been requested to give approval strictly as per the provisions contained in the MOU signed between UGC, AICTE and DEC. The relevant clause of the MOU is reproduced as under:

“Based on the recommendations of Joint Committee, the letter of approval may be issued by the Joint Committee. The letter should explicitly state :This has the approval of UGC, AICTE and DEC. The letter should be jointly signed by Secretary, UGC, Member Secretary, AICTE and Director, DEC.”

(SC Garg)”

16.34 Likewise, equally sordid state of affairs of JRN, if not worse, is manifested from the correspondence exchanged between JRN and UGC and



DEC/DEB. Illustratively, extract of just one letter dated 27.07.2004¹² by UGC to JRN is being reproduced herein below, which should suffice :-

“1. The Commission vide its letter of even number dated 5th May, 2003 and subsequent reminders dated 6th August, 2003 and 13th October, 2003 had requested the Vidyapeeth to submit the details of its Study Centres. In response to that the Vidyapeeth vide its letter No.RVU/VC/2004-2005/26 dated 2nd April, 2004 submitted a list of 517 centres, but did not furnish any details about the approval of UGC, the statutory Councils and the concerned State Governments nor did the Vidyapeeth submit any information about the Infrastructural facilities, faculty etc. provided in these Centres

5. The Commission has been receiving a number of complaints that Rajasthan Vidyapeeth, Udaipur is engaged in offering Undergraduate and Postgraduate level courses in various disciplines including Computer Science, Business Studies, Paramedical Studies and Physiotherapy etc. through Study Centre(s) spread all over the country which do not have required infrastructure to maintain the standard of education.

6. A warning was also issued to the Vidyapeeth vide this office letter of even number dated 11th June, 2004 that the degrees awarded in violation of the instructions contained in the Guidelines shall be regarded as unspecified and render the Vidyapeeth to be punishable under relevant provisions of the UGC Act, 1956.

7. The Study Centre/off-campus centres in distance mode opened by Rajasthan Vidyapeeth are without prior approval of UGC.

8. The Vidyapeeth is silent on furnishing the details of fulfilling the norms as laid down by the Distance Education Council nor has attached specific approval of Distance Education Council and UGC.

9. It may be pointed out that unless the Vidyapeeth is fully prepared in terms of faculty and infrastructure laid down by the Statutory bodies, it would not be desirable to start any graduate and postgraduate level courses.”

17. Some of the order/letters of the regulatory bodies addressed to the institutes herein and impugned in this bunch of petitions by filing spate writ petitions are very relevant and self explanatory. For ready reference those are also extracted here in after :-

17.1 S.B. Civil Writ Petition No.4761/2009:- impugned show-cause notice dated 17.04.2009 is reproduced hereinbelow:

*“No.F.13-35/2008-U.3(A)
Government of India
Ministry of Human Resource Development
(Department of Higher Education)*

*Shastri Bhavan, New Delhi: 110115
Dated: 17th April, 2009*

¹² Handy Source- OLCL judgment para 27.2 of SCC





NOTICE

Subject: Enquiry against Institute of Advanced Studies in Education (IASE), Sardarshahr, Rajasthan.

WHEREAS Institute of Advanced Studies in Education (IASE), Sardarshahr, Rajasthan was declared by the Central Government as an 'Institution Deemed-to-be-University' vide this Ministry's Notification No.F.9-29/2000-U.3 dated 25.06.2002, hereinafter referred to as the 'Notification';

2. **AND WHEREAS**, at the time of Notification, the Institute of Advanced Studies in Education, hereinafter referred to as the 'IASE' was conducting courses only in Education, namely, B.Ed, M.Ed & Ph.D;

3. **AND WHEREAS**, the 'Notification' specified that the grant of status of 'deemed to be university' was to the IASE subject to the condition that the Institute would adhere to the guidelines/instructions of the University Grants Commission (UGC) from time to time as are applicable to 'deemed to be universities';

4. **AND WHEREAS**, it has come to the notice of the Government of India that the following academic programmes are being conducted by the IASE:

• IN THE REGULAR MODE-

- a) General (M.Com, MA, BA, MSc, BSc);
- b) Education (PhD, M.Phil, M.Ed, MA Education, B.Ed, STC, NTT, Shiksha Shastri);
- c) Mahila Mahavidyalaya (BSc, BSc Home Science, BA, MSc Home Science);
- d) Management (MBA, BBA);
- e) Information Technology (MCA,BCA, MSc IT, BSc IT, PGDCA);
- f) Engineering (BE Mech., BE Elec., BE ECE, BE Comp.Sc., BTech Bioinformatics, BTech Biotechnology);
- g) Life Sciences (MSc Biotech, MSc Bioinformatics, BSc Biotech, BSc Bioinformatics);
- h) Paramedical Science (BPT,DPT,DMLT,DRIT,CMLT); and
- i) Veterinary Science (DLSA, CVAS).

IN THE DISTANCE EDUCATION MODE -

- a) Engineering diploma (DCE, DME, DEE, DECE, DCS, Diploma in ME/ CE/EE/ECE/CS lateral entry in 3rd Sem.);
- b) Information Technology (MCA, MCA lateral entry 3rd & 5th Sem., MSc IT, MSc CS, lateral entry 3rd Sem., PGDCA, PGDCS, PGDIT, BCA, lateral entry 3rd Sem., BSc IT, lateral entry 3rd Sem., DCA, DIT);
- c) Management (MBA, MBAF, MBAHR, MBAIRM, MBAIT, MBADM, MBA lateral entry 3rd Sem., PGDM, PGDRM, lateral entry 2nd Sem., BBA);
- d) Hotel Administration (PGDHAH, BHAH, lateral entry 3rd & 5th Sem, ADHAH, lateral entry 3rd Sem., DHAH);
- e) Ayurveda & Yoga (DAP, BYN, MAPHE, MAYHE, MscYHE, lateral entry 3rd Sem., PGDYHE, DYHE);
- f) Paramedical (DPT, lateral entry 3rd Sem., CPT, BMLT, BRIT, lateral entry 3rd & 5th Sem., DMLT, DRIT, lateral entry 3rd Sem., CMLT, CRIT);
- g) Veterinary Science (VLDA, DVP);
- h) Science (BBT, BBI);



- i) Fashion & Interior Designing (BFD, BID, lateral entry 3rd & 5th Sem., ADFD, ADID, lateral entry 3rd Sem., DFD, DID);
- j) Traditional (MAH, MAE, MAED, MSW, MCom, BCom, BA with additional subject, BA General);
- k) Vocational (CCA, CCHT, CEC, CDM, CFM, CWM, CRAR);

5. **AND WHEREAS**, a number of complaints were received by this Ministry about the IASE conducting unapproved academic courses, both under the regular mode at its campus at Sardarshahr, Rajasthan, as well as in the distance mode through its various study centres; and specifically such complaints were -

a. That while IASE, Sardarshahr had been permitted to conduct only BEd, MEd, PhD (Education) and regular Courses such as BA, MA, B Com, M Com, BSc, MSc, the institute is conducting 77 courses under distance learning and 22 courses in the regular mode, Further, that IASE is conducting MBA, B Tech and other Engineering Courses without approval from AICTE (complainant - Bhanwarlal Sharma, MLA, Rajasthan Legislature)

b. That IASE is conducting illegal education activities through network of 1500 centres and students are cheated by IASE. Copies of suicide bids by depressed students of Indian Institute of Management Research (IIMR) (an institute run under the same management as that of IASE Sardarshahr) and de-recognition of IIMR by UGC were enclosed along with the complaint. (complainant - Prof. Harswaroop Singh Chaudhary)

c. That IASE was granted the status of "deemed-to-be-university" in 2002 and it was permitted by the UGC to conduct only B.Ed., M.Ed. and Ph.D. (Education) courses, but the deemed university conducts M.Phil. (Education) and many other courses in Engineering, Management, Life Sciences, Science, Arts, Paramedical & Veterinary Science without the approval of UGC. IASE conducts courses in the distance mode without any approval of UGC. Approval granted by DEC (post facto) up to 2005 is meaningless without approval of UGC. UGC's notices regarding adherence to its guidelines failing which the degree granted by "deemed universities" is not valid. Further, while IASE has confirmed to the Rajasthan Government that it is empowered to offer courses in conformity with the UGC's approved list of courses, however, all the courses conducted by it except B.Ed., M.Ed., and Ph.D. (Education) are not included in the UGC's approved list of courses. (complainant - Rajendra Singh Bhati)

d. That no exact procedure is followed by IASE with regard to admissions in different streams as there is no prescribed cut-off marks in all courses or any entrance examination. The internal assessments (marking system) is faulty as students who stay away from classes get much better marks than those who are regular "class goers". IASE does not have its own electronics laboratory and the computer laboratory is still under developed. BBA courses are conducted along with MBA courses due to lack of requisite number of teachers at the University. (complainants Students of the regular stream at IASE);

6. **AND WHEREAS**, to apprise the Central Government of 'on the ground situation, a Fact-finding Team was formed with officials from the Ministry (Higher Education Bureau and Integrated Finance Division), University Grants Commission All India Council





for for Tech Technical Education (AICTE), Distance Education Council (UGC), (DEC) and a representative from the Rajasthan Government (Education Department), to have (i) on-the-spot assessment of various academic programmes offered by the IASE and (ii) to ensure enforcement of norms and standards by the IASE while conducting these programmes;

7. **AND WHEREAS**, the Fact-finding Team visited the IASE, Sardarshahr, Rajasthan on 15th and 16th January, 2009 and visited the departments of Science & Engineering (including the Library, the classrooms and the laboratories), Arts & Education and the Directorate of Distance Education, had discussions with the faculty members (Education), students of Science, Engineering and Management at Pratap Hostel and with the Vice Chancellor, Director, Registrar, etc. of IASE as well as gathered details as required vide communication in F. No. 9-29/2000-U3A(pt) dated 13/1/2009;

8. **AND WHEREAS**, the Fact-finding Team submitted its report to the Government of India in the Ministry of Human Resource Development (Department of Higher Education) on 20th March, 2009 and a copy of relevant portion of the said report and a copy of the notification dated 25.6.2002 are annexed to this notice;

9. **AND WHEREAS**, the Fact-finding Team has inter alia observed as follows:

- The IASE has bare minimum facilities including inexperience/under- experienced faculty
- The Institution runs several courses (many of them not offered under the regular mode) under the distance mode via study centres.
- Revenue-sharing pattern adopted by the institution vis-a-vis the study centres reveals that the institution retains barely 30-40% of the fees collected from the students enrolled in these study centres while the study centres are given 60- 70%.
- The institution is apparently indulging in "franchising", which is not permissible as per the relevant guidelines/stipulations of both the UGC and the DEC;

10. Now, therefore, the Institute of Advanced Studies in Education, Sardarshahr, Rajasthan (IASE) is hereby issued this Notice, with the advice to submit its explanations, if any, to the findings/observations of the Fact-finding Team and to show cause as to why the Central Government may not withdraw Notification No.9-29/2000- U.3 dated 25.06.2002 declaring IASE as an Institution 'deemed-to-be-university', for violating conditions mentioned in the said Notification, within a period of fifteen days from the date of receipt of this Notice. If the explanations are not received within the prescribed time, it shall be presumed that the IASE has no satisfactory explanation to furnish, and further consequent action shall be initiated for withdrawal of the Notification.

Encls: As above

Upamanyu Basu)
Director (NCR)
Telefax-23387538
Email-ubasu.edu@nic.in

The Vice-Chancellor,
Institute of Advanced Studies in Education,



*Gandhi Vidya Mandir,
Sardarshahr, District Churu,
Rajasthan-331 401*

17.2 S.B. Civil Writ Petition No.6155/2009:- impugned letter/order /notice dated 14.05.2009 is reproduced hereinbelow:

“No. F.- 6-25/2008(CPP-I)

The Vice- Chancellor

Institute of Advanced Studies in Education

(Deemed University)

Gandhi Vidhya Mandir

Sardarshahr, District-Churu,

Rajasthan- 331 401.

Sub: Report of the Fact finding Team constituted by the Government of India, Ministry of Human Resource Development.

Sir,

As you are aware, the Government of India, Ministry of Human Resource Development constituted a Fact Finding Team to have (i) on the spot assessment of various academic programmes offered by the IASE and (ii) to ensure enforcement of norms and standards by the IASE while conducting these programmes. The Fact Finding Team visited the deemed to be university on 15th and 16th January, 2009 and submitted its report to the Government of India. A copy of the report has also been sent to the UGC to consider the recommendations of the Committee. The recommendations of the Committee have been considered by the Chariman, UGC and based on these recommendations, the following have been decided:-

PROGRAMMES OFFERED THROUGH REGULAR MODE

1. IASE deemed university should concentrate only in the discipline of Education for which the deemed to be university status was granted to the institute in the year 2002. Accordingly, it may run B.Ed, M.Ed. And Ph.D. in Education only.

2. The deemed to be university should not conduct any other course other than in Education from the academic year 2009-10 onwards.

3. All the students presently enrolled in various courses other than B.Ed., M.Ed. And Ph.D. in Education may be transferred to the nearby colleges / universities as per the modalities to be worked out in consultation with the State Government of Rajasthan.

PROGRAMMES OFFERED THROUGH DISTANCE MODE.

1. IASE Deemed University should not conduct any course either through its headquarters or through any of its study centres from the academic year 2009-10 onwards.

2. All the students presently enrolled in various courses during the period of approval given by the DEC may be allowed to complete their programmes within the stipulated time-frame for such programmes after the approval of the UGC-DEC-AICTE Joint Committee.

The deemed university is advised to take action accordingly under intimation to UGC and Government of India, Ministry of Human Resource Development.

Yours faithfull

(S.C. Chadha)

Deputy Secretary”



17.3 S.B. Civil Writ Petition No.13900/2013:- impugned letter/order /notice dated 19.08.2013 is reproduced hereinbelow:

“UNIVERSITY GRANTS COMMISSION
DISTANCE EDUCATION BUREAU
DEC building, IGNOU Campus, Maidan garhi, New Delhi
110068
T: 091-11-29533340,29572634
F: +91-11-29536668

F.No.UGC/DEB/JRN/RJ/Recog./2012/1130-1132
Date : 19th August, 2013

To,

*The Vice-Chancellor
JRN Rajasthan Vidyapeeth (Deemed University)
Airport Road, Pratap Nagar
Udaipur – 313001
Rajasthan*

*Sub.: Non-receipt of proposal for continuation of recognition from
JRN Rajasthan Vidyapeeth (Deemed University)-reg.,*

Sir/Madam,

1.Reference is invited to DEC letter F.No. DEC/JRN/RJ/Recog./2012/14324-14326, dated 28.08.2012 vide which your University was accorded recognition for offering programmes through distance mode for a period of one academic year i.e. 2012-13 subject to outcome of the decision of the Hon'ble Supreme Court of India for offering programmes through distance mode, as per decision of erstwhile Distance Education Council.

2.Attention in this regard is also invited to Notification F.No.1-4/2013 (CPP-II), dated 17th June 2013 of University Grants Commission with regard to transfer of regulatory functions of the Open and Distance Learning (ODL) system from Indira Gandhi National Open University (IGNOU) to UGC (copy enclosed). In pursuance of the same, the matter pertaining to continuation of recognition needs to be considered by the University Grant commission.

3.The recognition accorded to your university as mentioned above was upto academic year 2012-13 which is over. However, this office is yet to receive any proposal for continuation/renewal of the recognition as indicated earlier in the DEC letter F.No. DEC/JRN/RJ/Recog./2012/14324-14326, dated 28.08.2012 (copy enclosed). The matter was placed before the competent authority which has decided that the reminder may be sent to the Institution for sending its proposal for extension of recognition. Accordingly, in case your university is desirous of offering programmes through distance mode, you may submit proposal as above within 15 days from the date of receipt of this letter.

Yours faithfully

Sd/-





(D.C. Sharma)
Dy. Director

Copy to :

1. The Director, DDE, JRN Rajasthan Vidyapeeth (Deemed University), Airport Road, Pratap Nagar, Udaipur – 313001, Rajasthan.
2. Member Secretary, AICTE, 7th floor, Chanderlok building, Janpath New Delhi 110001.
3. Concerned file.
4. Master file.
5. Webmaster for updating website.”

17.4 S.B. Civil Writ Petition No.5194/2014:- impugned letter/order /notice dated 30.04.2014 is reproduced hereinbelow:

“UNIVERSITY GRANTS COMMISSION
Distance Education Bureau
DEC Building, IGNOU Campus, Maidan Garhi, New Delhi 110
068”

F.No.UGC/DEB/JRN/RJ/Report/6391
Date : 30th April, 2014

To,
The Vice-Chancellor
Janardan Rai Nagar,
Rajasthan Vidyapeeth (Deemed University)
Airport Road, Pratap Nagar
Udaipur – 313 001, Rajasthan

Sir,
The undersigned is directed to inform that your University has not been allowed continuation of recognition to conduct programmes in distance mode for academic session 2013-14 onwards.

This is for your information.

Yours faithfully

Sd/-
(D.C. Sharma)
Dy. Director”

17.5 S.B. Civil Writ Petition No.5531/2015:- impugned letter/order /notice dated 11.03.2015 is reproduced hereinbelow:

“UNIVERSITY GRANTS COMMISSION
(Distance Education Bureau)
35, Ferozeshah Road, New Delhi – 110001”



(www.ugc.ac.in/deb/)

F.No.UGC/DEB/Tech.Edu./1/2015

Dated : 11-03-2015

PUBLIC NOTICE

On

Professional Courses in Engineering & Technology through ODL mode

The erstwhile Distance Education Council (DEC) earlier, on receipt of directions from Ministry of Human Resource Development, wrote to all Institutions providing programmes through open and Distance learning mode to stop offering BE/B.tech programme through Distance learning mode from the year 2009- 10.

2. AICTE in 2010 and 2011 also, notified its policy not to recognise the qualifications acquired through distance education mode at Diploma, Bachelors & Master's level in the field of Engineering and Technology including Architecture, Town Planning, Pharmacy, Hotel Management & Catering Technology, Applied Arts & Craft and Post Graduate Diploma in Management (PGDM). AICTE thus recognizes only MBA and MCA programmes through distance mode, provided it had the approval of Joint Committee of DEC & UGC and the recognition status was notified on AICTE web portal.

3. The University Grant Commission, after taking over the regulatory function of erstwhile DEC and as per mandate given to it by Ministry of Human Resource Development to regulate Open and Distance Learning in Universities and Affiliated Colleges has decided that :

(i) No University/Institution deemed to be university/Institution should offer Diploma, Bachelor's and Master's level programme in Engineering and Technology other than MBA and MCA till the finalization of UGC (Open and Distance Learning) Regulations, 2014 or notification of relevant Regulations by an independent regulatory authority established by Central govt. to deal with ODL education in higher education system in the country, whichever is earlier.

(ii) UGC/AICTE will take action against those Universities/Institution Deemed to be Universities/Institutions which are conducting professional courses in Engineering and Technology in ODL mode (other than MBA and MCA).

4. UGC has also decided not to consider any request for ex-post facto approval for ODL programmes offered by any University/Institution deemed to be University/Institution at this stage.

The above is for information of all concerned, including students and parents.

Secretary, UGC”

17.6 S.B. Civil Writ Petition No.7419/2015:- impugned letter/order /notice dated 04.06.2015 is reproduced hereinbelow:

**“UNIVERSITY GRANTS COMMISSION
BAHADUR SHAH ZAFAR MARG**





NEW DELHI – 110002

PUBLIC NOTICE – DISTANCE EDUCATION PROGRAMME**F.No. 11-5/2015(DEB-III)****Dated 04.06.2015**

It has come to the notice of the UGC that some Universities/Deemed to be Universities/Institutions are offering programs through Open & Distance Learning (ODL) mode in gross violation of the policy of the erstwhile DEC/UGC. These University/Deemed to be University/Institutions are issuing misleading advertisements by stating that their programmes are recognized by the UGC.

As per the present policy, State Universities (both Public & Private) cannot set up their off-campus/study centre outside the State where they have been established. And, even within the State, Private Universities are required to take prior permission of the UGC to establish their study centre/off-campus. Similarly, Deemed to be Universities are required to take prior permission of the UGC to establish any off-campus centre/study centre outside their main campus. It is pertinent to mention that No University/Institution Deemed to be University/Institution is permitted to offer Diploma/Bachelor/Master level programmes under ODL mode in Engineering & Technology. The policy of the UGC with regard to territorial jurisdiction and off-campus/study centres has been clearly articulated in its Public Notice dated 27.06.2013, which is posted on the UGC website for the knowledge of the public. It may also be noted that the UGC has so far not accorded recognition to any university/institution to offer 'online' programmes.

Students, parents and public in general, are hereby, informed that the list of the recognized institutions (alongwith the courses), which are permitted to offer programmes through ODL mode is posted on the UGC's website and can be accessed from www.ugc.ac.in/deb. The qualifications acquired through ODL mode from a non-recognized institution of higher learning shall neither be recognized for the purpose of employment in government service nor for pursuing higher education.

Secretary, UGC”

18. At this stage, let us not advert to, what is probably, the most important aspect and the biggest stumbling back in the way of both IASE & JRN i.e. the Supreme Court judgment in OLCL. Both the “deemed to be Universities” i.e. JRN and IASE have been involved in cantankerous rounds of multiple litigations on account of the various diplomas and degrees certificates which were being awarded by them. The said qualifications were since allegedly not recognized, therefore, were subject matter of challenge in different High



Courts. The lead matters being two i.e., one in High Court of Orissa and the other in High Court of Punjab & Haryana. While in Orissa the specific challenge was to the undergraduate degrees of B.Tech/B.E. awarded by JRN whereas in High Court of Punjab and Haryana a public interest litigation was filed wherein, JRN as well as IASE were arrayed as respondents.

19. The PIL in Punjab and Haryana High Court was filed by one Kartar Singh being CWP No. 1640/2008 alleging that these deemed to be universities had set up “off-campus centres” and study centres in total violation of regulations framed by UGC- that these study centres completely lacked infrastructure and facilities specially for the courses in engineering and other technical education case here is same, only difference being here is education other than technical and instead of AICTE, regulatory body in UGC through distance education. Directions were therefore sought that degrees in engineering obtained from distance education from these Universities be declared as invalid.

19.1 The High Court of Punjab and Haryana allowed the PIL vide a judgment/decision dated 06.11.2012 and para 184 thereof sum up case as below:-

“In terms of the directions of the Commission, it was necessary for the deemed to be universities to seek approval from AICTE. In view of the above, we hold that the deemed to be universities have started courses in technical education in violation of the guidelines, instructions, circulars and regulations framed by the Commission not only when they started such courses but also in establishing study centres outside their territorial limits and in subjects for which they were not granted deemed to be universities is an illegal act and such illegality cannot be removed or cured by the actions of either the Commission of DEC.”

19.2 While the High Court of Punjab and Haryana declared the degrees of engineering obtained through distance education mode as invalid but on the contrary High Court of Orissa validated the same stating that they were since



obtained by serving diploma holders officials through off campus study centres. Both the Courts thus held contradictory views. While the decision of Orissa High Court was challenged by the employer i.e. Orissa Lift Irrigation Corporation who had declined to recognize the degrees serving diploma holders while the deemed universities challenged the decision of High Court of Punjab and Haryana.

20. Both the appeals from aforesaid different High Courts were decided by a common judgment rendered by the Supreme Court titled as Civil Appeal No. 17869-70 of 2017 titled as Orissa Lift Irrigation Corporation Limited Vs. Rabi Sankar Patro and others¹³.

20.1 Let us first see the stand taken by UGC before the Supreme Court. For ready reference relevant is extract (Para 19) of the affidavit¹⁴ filed by Mr Ved Prakash, Chairman, UGC is as below :-

"It is pertinent to note that while bringing the 2010 Deemed Universities Regulations to the notice of the general public, including vide Public Notice No. F.27-1/2012 (CPP-II), dated 27-6-2013 (annexed and excerpted later in the instant affidavit), the UGC has also clarified that 'the UGC has not granted approval to any institution deemed to be university to establish study centres'. This is relevant because, firstly, deemed to be university status is conferred on academic programmes in specific domains of knowledge. In this case, four deemed to be universities were conferred that status to offer programmes in the following areas :

Sl. No.	Deemed University	Field of specialization for institutions deemed to be universities status
1	JRN Rajasthan Vidyapeeth, Udaipur, Rajasthan	Social work, education, Arts and Commerce
2	Institute of Advanced Studies in Education, Sardarshahr, Rajasthan	Education
3	Allahabad Agricultural Institute, Allahabad, UP	Agricultural Engineering Food & Nutrition Biotechnology, Dairy Technology
4	Vinayaka Mission's Research Foundation Salem, Tamil Nadu	Medical Science, Dental Science, Nursing, Engineering & Technology, Pharmacy, Physiotherapy and Homeopathy

¹³ 2018 1SCC468

¹⁴ Source- OLCL judgment



Yet, three institutions deemed to be universities (namely, JRN Vidyapeeth Udaipur, Rajasthan; IASE Gandhi Vidya Mandir, Sardarshahr, Rajasthan; and Allahabad Agriculture Research Institute, Allahabad, U.P.) overstepped their mandate and started distance education programmes, including for award of BE/BTech degrees outside their field of specialisation without UGC/AICTE approval. Secondly, vide letter dated 9-8-2001 (annexed and excerpted later in the instant affidavit), UGC has made it clear that franchising of education through private agencies/establishment is not permitted. In addition, UGC, AICTE and DEC have issued a joint letter dated 13-5-2003 (annexed and excerpted later in the instant affidavit) to Vice-Chancellors/Heads of Institutions asking them to limit the system/programme of delivery of distance education of their institution to the neighbourhood of the location of their main campus or at the most within the State. And, as mentioned earlier, vide public notice dated 27-6-2013) UGC has stated that institutions deemed to be universities can operate only within its headquarters or from those off-campus/off-shore campuses which are approved by the Government of India through notification published in the Official Gazette, though UGC has not granted approval to any institutions deemed to be universities offered distance education mainly through franchisee arrangements and study centres which are not established with the permission of UGC."

20.2 Relevant of OLCL judgment is as under :-

55. Para 3 of the notification dated 22.11.1991 which constituted DEC shows that there was no representation for any Member or representative of AICTE. The provisions of IGNOU Act show that the Study Centres as defined in the IGNOU Act are that of IGNOU and not of any other University or Institution. The concept of distance education under subclause (v) of Section 5 is also in relation to the academic programmes of IGNOU. It undoubtedly has powers under Clauses (vii), (xiii) and (xxiii) to cooperate with other Universities but the IGNOU Act nowhere entitles IGNOU to be the Controlling Authority of the entire field of distance education of learning across the Country and in relation to programmes of other Universities or Institutions as well. The Order dated 29.12.2012 issued by MHRD therefore correctly appreciated that DEC created under statute 28 of IGNOU Act could not act as a regulator for other Universities. In any event of the matter, the policy Guidelines issued from time to time made it abundantly clear that DEC alone was not entitled to grant permission for open distance learning and appropriate permissions from the requisite authorities were always required and insisted upon. Despite such policy statements, DEC went on granting permissions without even consulting AICTE. Such exercise on part of DEC was completely without jurisdiction.

x-x-x-x-x





57. Having found the entire exercise of grant of ex post facto approval to be incorrect and illegal, the logical course in normal circumstances would have been not only to set aside such ex post facto approvals but also to pass consequential directions to recall all the degrees granted in pursuance thereof in respect of courses leading to award of degrees in Engineering. However, since the 2004 UGC Guidelines themselves had given liberty to the deemed to be universities concerned to apply for ex post facto approval, the matter is required to be considered with some sympathy so that interest of those students who were enrolled during the academic sessions 2001-2005 is protected. Though we cannot wish away the fact that the deemed to be universities concerned flagrantly violated and entered into areas where they had no experience and started conducting courses through distance education system illegally, the overbearing interest of the students concerned persuades us not to resort to recall of all the degrees in Engineering granted in pursuance of the said ex post facto approval. However, the fact remains that the facilities available at the study centres concerned were never checked nor any inspections were conducted. It is not possible at this length of time to order any inspection. But there must be confidence and assurance about the worthiness of the students concerned. We, therefore, deem it appropriate to grant some chance to the students concerned to have their ability tested by authorities competent in that behalf. We, therefore, direct that all the degrees in Engineering granted to students who were enrolled during the academic years 2001 to 2005 shall stand suspended till they pass such examination under the joint supervision of AICTE- UGC in the manner indicated hereinafter. Further, every single advantage on the basis of that degree shall also stand suspended.

x-x-x-x

60. The factual narration mentioned hereinabove makes certain things distinctly clear. The affidavit of Mr Ved Prakash discloses how permissions were granted to introduce courses in the present cases without any authority. On one hand, the authorities were proclaiming their policy statements and on the other, despite there being complaints, they went about granting permissions. Their conduct and approach is difficult to explain on any rational basis and leaves much to be desired. We are, prima facie of the view that the conduct of the officials concerned needs to be looked into and investigated whether the exercise of power by them was completely genuine or colourable. We do not express any final opinion in that behalf but direct CBI to carry out thorough investigation into the matter and to take appropriate steps after culmination thereof.

61. The record further shows that time and again warnings were issued to the deemed to be universities concerned. Dr Rajeev Dhavan, learned Senior Advocate is right in his submission that if a deemed to be university is not to be found functioning within the limits, its recognition as deemed to be university could be withdrawn. In our view, the deemed to be universities concerned had gone far beyond their limits and to say the least, had violated binding policy statements. Even





when they did not have any experience in the field concerned and had no regular faculty or college in Engineering, they kept admitting students through distance education mode. When there was nothing at the core. the expansion was carried at the tertiary levels in brazen violation. The idea was not to achieve excellence in the field but the attempts appear to be guided by pure commercial angle. We, therefore, direct UGC to consider whether the deemed to be university status enjoyed by the institutions concerned, namely, JRN, AAI, IASE and VMRF calls for any such withdrawal and conduct an inquiry in that behalf. If the deemed to be universities concerned fail to return the moneys to the students concerned as directed above, that factor shall also be taken into account while conducting such exercise.

62. We must also put on record what we have observed during the course of the hearing and consideration of the present matters. It has come to our notice that many institutions which are conferred the status of deemed to be universities are using the word "university", which in our view is opposed to the spirit of Section 23 of the UGC Act. UGC shall take appropriate steps to stop such practice."

21. To sum up, in *Orrisa* lift *supra*, Supreme Court has held that deemed to be universities i.e. both IASE and JRN herein, granted degrees in Engineering through distance education without proper approvals. Ex post facto approvals were also granted against policy statements and were thus declared without jurisdiction. The stand of deemed to be universities that they could legally start new courses in engineering, without any approvals, was rejected. The Supreme Court also distinguished between universities established under state law and deemed to be universities under UGC Act, emphasizing the latter's imperativeness of adherence to regulatory requirements. It was held that the both the deemed to be universities i.e. IASE and JRN, in question herein as well, violated AICTE regulations by awarding degrees in engineering through distance education.

21.1 Qua the introduction of various courses in Diploma/ Under-graduation/ Post-graduation/PhD through (a) distance education (b) at



off campus study centres (c) at on campus study centers, the Supreme Court has already decided on the validity of degree courses in engineering, declaring them void. The controversy, to the extent of offering degrees in engineering/technical education, thus stands adjudicated.

22. Reverting back to the case in hand. Controversy herein is the proliferation of franchising in university education through private institutions which has raised significant concerns. The University Grants Commission (UGC) addressed this issue by issuing guidelines and directives to regulate collaborations between universities and private institutions. The UGC clearly cautioned that any deemed to be university intending to collaborate with private institutions must obtain prior approval from the UGC. Moreover, the UGC explicitly prohibited universities from establishing off-campus private educational franchises that lead to the awarding of degrees.

23. It is noteworthy that the UGC also raised concerns regarding the Deemed to be University's practices and brought the matter to the attention of the Distance Education Council. Upon inspection, the Distance Education Council found that many of the study centers claimed by deemed to be universities herein either did not exist or lacked proper infrastructure for educational delivery. Consequently, the Distance Education Council, declined its approval for the Distance Education Programs.

24. Furthermore, following the reports from the Distance Education Council, the UGC informed the institutes about its inability to grant retroactive approval for the Study Centers/Extension Centers/Academic Centers operated under the Distance Education Mode. The UGC, therefore,



instructed/directed to promptly shut down all such centers and submit a compliance report.

25. The UGC also noticed unauthorized activities by some Deemed Universities, such as introducing new courses and setting up study centers without approval. To maintain teaching and research standards, the UGC has framed guidelines for establishing new departments, off-campus centers, and distance education programs. These guidelines mandated specific approvals from the Distance Education Council (DEC) and the UGC for distance education programs and study centers. The UGC emphasized that Deemed Universities must possess their own faculty infrastructure and refrain from affiliating with colleges or institutes, as such arrangements constitute franchising, which is not permitted. The UGC reiterated its directive to halt private franchising in university education.

26. Subsequently, the UGC communicated with Deemed Universities regarding compliance with guidelines for establishing new departments and off-campus centers. The UGC asked for details of infrastructure from Deemed Universities within a specified timeframe, threatening public notification to expose them, if not provided. The UGC also addressed concerns raised by the Distance Education Council about the infrastructure and existence of study centers affiliated with certain Deemed Universities. Eventually, left with no choice, the UGC then issued public notices clarifying the non-recognition of study centers affiliated with these universities.

27. Despite repeated warnings and directives, some Deemed Universities continued to operate unauthorized study centers and distance education programs. Consequently, the UGC, in coordination with the Distance Education Council, took measures to address non-compliance, including



denying ex-post facto approval for study centers and requiring immediate closure.

29. As regards the challenge to the impugned notices/circulars dated 9th August 2005 and 23rd August 2005, the same is rendered infructuous as both were later withdrawn on 05.11.2007 once the MOU was executed to form a joint committee of UGC, AICTE and DEC. This decision was aimed to let the institutes approach the joint committee which was formed pursuant to MOU.

30. Adverting to the *ex-post-facto* approval granted by DEC vide letter dated 29.08.2008, the stand of central government (MHRD) in its counter affidavit dated 22.06.2006¹⁵ is rather very unequivocal. Without mincing words, DEC has been admonished for granting a blanket approval. In view thereof, such ex post facto approval is totally illegal and thus not tenable.

Relevant excerpts from affidavit are as below:-

“6. DEC vide its letter dated 29.08.2008 (Annexure– 56 to the Writ Petition) had conveyed, a sort of, blanket approval, that to with back date to all the programmes of the IASE University that were stated to be approved by the statutory authorities of the IASE. This approval, claimed to be of Joint Committee, conveyed by the DEC does not appeared to be legally tenable because of the following:

“(a) IASE institution, in the year 2003 started Distance Education programme without approval of UGC, in violation to the UGC’s guidelines for deemed universities. It also failed to comply with the instructions issued by the UGC, which is violation of the condition given in the Notification (

R – V) declaring it deemed to be university.

(b) IASE Institution, which itself is a registered society under Societies Registration Act, cannot have any statutory authority;

(c) AICTE and other professional Councils, by the provisions under their Act have jurisdiction and duty to maintain standards in professional education programmes that come under their jurisdiction;

(d) Approval to the programmes and courses that were conducted in past cannot be granted as it is difficult, it not impossible, to ascertain about their standards;

(e) The approval on behalf of Joint Committee can only be deemed as the approval of UGC, AICTE and DEC, once the apex body of the concerned statutory authority i.e. UGC, AICTE and DEC approves the MOU and delegate the powers to the Joint Committee. The UGC did so only in the month of February 2008, (Annexure R – III), whereas ex-post-facto approval was conveyed in the year 2007;

¹⁵ See counter affidavit of UOI/MHRD in CWP No.5372 of 2008





(f) *AICTE, as an Statutory authority with mandate to maintain standards in technical education, as a policy, do not favour imparting of technical education through distance mode leading to B.Tech (M.Tech.) BE/ME degrees.”*

The above stand is tune with the position in law and facts. The ex post facto approval granted by DEC does not thus seem to be in order at all.

31. It is noteworthy that IASE, Rajasthan, has not been recognized after 2007-08, and JRN Rajasthan Vidyapeeth has not been recognized after 2012-13, either by DEC or UGC for offering any programs through distance mode. However, the institutes claim to offer distance education programs based on interim orders from the Court.

32. Let us also deal with the additional affidavit dated 23.11.2022 filed on behalf of IASE, outlining subsequent developments, including: the Supreme Court declared engineering degrees awarded after 2005 under Distance Learning Mode as illegal. Notably, the IASE Deemed to be University had awarded engineering degrees until 2005. Additionally, when the AICTE objected to diploma courses offered by the University under distance mode, citing the Supreme Court's judgment, the University filed an application for clarification/modification of the order. The Supreme Court, in its order dated 22.01.2018 , accepted the contention and limited the judgment in Orissa lift case solely to degrees in engineering conferred under distance learning mode and not diplomas in engineering. Pertinently, the diplomas in engineering were neither subject matter before OHC nor PHHC, however, in the orders/notices issued by UGC/DEC/DEB, impugned herein, all courses/subjects are covered, be it degrees or diploma. Larger question is involved herein as whether any new course at all could have started without prior permission ?



32.1 A UGC Committee conducted a review of IASE's performance and fulfillment of criteria for deemed to be University status during its visit on 4th, 5th, and 6th April 2019. The Committee observed that IASE had satisfactorily addressed and fulfilled all shortcomings and unanimously recommended the continuation of deemed to be university status for IASE Sardarshahar, Churu, Rajasthan.

32.2 Reliance is placed on the 541st meeting, held on 13th June 2019, the Committee wherein it was decided to reconsider the case after receiving the institution's action plan for improving the quality of research & publications and innovations.

32.3 On 28th June 2019, UGC sent a letter to the Vice Chancellor of IASE regarding the review of the university's functioning, again requesting compliance regarding improving the quality of research & publications and innovations.

32.4 In the 548th meeting on 9th September 2020, it was recognized that IASE is conceptualized as a Rural University, offering courses in Education, Hindi, History, Life Sciences, Geography, management, indigenous knowledge systems like Ayurveda, and value-based education. UGC/commission recommended the continuation of deemed to be university status for IASE, Sardarshahar, considering its rural welfare activities, rural exposure to students and teachers, and approved the proposal from IASE to start new courses/programs/departments/faculties/schools.

32.5 In September 2020, UGC sent a letter to the Deputy Secretary to the Government of India, informing them about the recommendations and approvals by UGC regarding the courses/programs initiated by the Institute of



Advanced Studies in Education and the continuation of deemed to be university status for IASE Sardarshahar.

32.6 Aforesaid narrative in the additional affidavit (*supra*) is emphasizing on credentials of IASE for its continuation as DTU. In the case in hand what is under challenge is distance education offered by the deemed to be university and NOT its continuation of its status as deemed university. Therefore, the emphasis that subsequent UGC recommendation are favorable for allowing it to continue as deemed university are of no significance.

33. Another critical issue that must be highlighted is the concealment practiced by both institutions through the filing of writ petitions before this Court subsequent to the D.B. Judgment in the PIL titled Kartar Singh Vs. Union of India, 2012 SCC Online P&H 21066. Despite being fully aware of their involvement in the aforementioned PIL, wherein the High Court of Punjab and Haryana declared engineering degrees obtained through distance education invalid, they continued to file writ petitions without disclosing this information. This deliberate misleading conduct led to the issuance of interim orders, causing significant turmoil for enrolled students' futures.

33.1. Fortified with interim orders, the institutions have attempted to defend their actions by claiming that the diplomas and degrees obtained under the protection of these orders are entirely legal and immune to interference at this stage in the name of equity and justice. However, I find myself unconvinced by such a weak defense, especially considering the numerous cautions/notices warnings issued to them by regulatory bodies, requiring compliance with regulations and approvals before commencing such courses. This defense lacks any legal justification and thus must be rejected.



33.2. In any case, the argument/defense of continuing the new courses, both through conventional in new courses as well as distance education mode by virtue of interim orders passed by this Court, has to be necessarily rejected in the light of Orissa Lift Corporation Ltd Vs. Rabi Sankar Patro 2018 (1) SCC 468, relevant portion of which is reproduced hereinbelow:-

“44.14. Similar is the case with regard to interim orders dated 17-11-2015¹ and 15-9-2016². Thus, JRN could continue admitting Students despite aforementioned policy statements, on the strength of interim orders.

44.15. During this period, the High Court of Punjab and Haryana vide its * decision dated 6-11-2012³ had already held the degrees in Engineering awarded by deemed to be universities through distance education mode to be invalid.

That decision was appealed against by students and IASE but not by JRN. In any case, the interim order of this Court only protected students concerned whose degrees stood invalidated.

44.16. If interim orders dated 26-11-2013⁴, 17-11-2015¹ and 15-9-2016² by one High Court could become a justification for continuing to conduct courses leading to degrees in Engineering through distance education mode across the country, the final declaration issued by another High Court on 6-11-2012³ and the policy statements referred to earlier, had greater binding force.”

1. JRN Rajasthan Vidyapeeth University v. Union of India, WP (C) No. 8832 of 2015, order dated 17-11-2015 (Raj)
2. JRN Rajasthan Vidyapeeth University v. Union of India, 2016 SCC OnLine Raj 10189
3. Kartar Singh v. Union of India, 2012 SCC OnLine P&H 21066
4. JRN Rajasthan Vidyapeeth University v. Distance Education Bureau, WP (C) No. 13900 of 2013, order dated 26-11-2013 (Raj)

34. As an upshot of my discussion in the preceding, here is the summary of the findings / violations committed by the institutes:-

(i) Despite possessing full knowledge that the eligibility of students from deemed universities is contingent upon their compliance with UGC guidelines and instructions, both institutes failed to comply with these regulations as outlined in notifications issued under Section 3.

(ii) The resolutions passed by the Board/management of the institutes to initiate distance education programs were merely preliminary steps, requiring further approval from regulatory bodies. These resolutions, being self-serving



in nature, did not grant the deemed universities the authority to commence such programs.

(iii) The letter from the Technical Education Department of the Government of Rajasthan holds no relevance as it merely states that no No Objection Certificate (NOC) was required from the State Government for introducing new faculties. The State Government, as previously discussed, is not a regulatory body, and approval from the UGC/DEC was necessary at the time.

(iv) The only defense for introducing new courses was the institutes' self-styled letters to the UGC, merely informing them of the addition of new faculties.

(v) There is a blatant violation of multiple cautionary letters issued by DEC, UGC, and public notices on their websites, advising against introducing new courses, distance education, or setting up off-campus study centers without prior approval.

(vi) The letters from UGC and DEC to the institutes, asking them to so belatedly apply ex post facto, are deemed beyond jurisdiction. UGC guidelines stipulate that such permission can only be granted within six months of commencing distance education or setting up off-campus study centers.

(vii) There is no evidence to demonstrate that both institutes had the requisite faculty or specialization in the new courses introduced, or that the off-campus study centers were directly operated by them. Establishments were set up through outsourcing or franchising for the distribution of degrees/diplomas.

(viii) The extent of violation is evident from the fact that within a year or two of starting distance education without approval, both institutes claim to have



500-600 study centers across India. It is unclear how such a vast network was established, indicating a significant lapse in oversight.

(ix) Following the introduction of UGC guidelines in 2010, deemed universities were prohibited from offering distance education, whether general or technical.

(x) Only diplomas, programs, and degrees awarded by these institutes through conventional classroom education, with prior permission, are considered valid.

(xi) Another violation is regarding the UGC Regulations of 1985, which stipulate minimum standards for formal education in various faculties. The records indicate that the mode and manner of education imparted by the institutes did not meet these criteria regarding the minimum number of teaching days or the specified time frame.

CONCLUSION -

35. Scrutiny into the operations of the deemed to be universities herein brings to light an alarming trend: the commercialization of education. This phenomenon, underscored by the findings in the case in hand highlights the extent to which the sanctity and credibility of academic standards are being compromised for profit. The case in question reveals not only the aggressive franchising strategies employed by these institutions but also the significant lapses in regulatory oversight by bodies such as the University Grants Commission (UGC). Implications of such commercialization, the erosion of educational excellence and merit it causes, and the apparent failure of the UGC to effectively manage and rectify the situation require serious brainstorming for way forward.



35.1 The proliferation of courses and degrees without due regard for maintaining academic standards or providing adequate infrastructure and faculty, provides a stark illustration of how deemed universities have ventured into this commercial territory, setting up off-campus study centers and offering distance education programs without the necessary approvals or infrastructure.

35.2 When institutions prioritize profit over pedagogy, the quality of education inevitably suffers. Students are offered degrees that may lack recognition in the professional world, undermining their future prospects. The credibility of degrees awarded under such circumstances is questionable, casting a shadow over the legitimacy of higher education in the country. This erosion of standards not only affects the students enrolled in these programs but also diminishes the value of degrees from reputable institutions by association.

35.4 Reaffirming the sanctity of education as a tool for empowerment, rather than a commercial commodity, is essential for the future of the country's educational landscape. As society grapples with these challenges, it becomes imperative to adopt measures that foster an environment where merit and excellence can thrive, unhindered by the motives of profit.

36. The conferral of a university degree is more than a ceremonial culmination of academic endeavors; it is a testament to the attainment of a specific level of expertise and knowledge in a chosen field of study. Intrinsic and societal value of a university degree, also plays even more significant role as a credential for employment. A university degree serves as a tangible proof that an individual has engaged in a rigorous process of learning, understanding, and applying complex concepts within a specific domain of



knowledge. The completion of such a program attests to the student's dedication, intellectual capability, and perseverance.

36.1 A university degree is a cornerstone of both personal and professional development. It is a mark of achievement that opens doors to opportunities, bestows a certain status upon the holder, and assures society of the individual's capabilities. As such, the significance of a university degree extends far beyond the parchment on which it is printed; it is a lifelong asset that shapes the future of the individual and contributes to the advancement of society. Ensuring the integrity and value of these degrees is therefore paramount, not only for the benefit of the degree holders but also for the collective interest and welfare of society.

37. As held by Supreme Court in OLCL that the situation brings to light a glaring lack of effective oversight and regulatory mechanisms for deemed universities. The UGC, tasked with maintaining the standards of higher education in India, appears to have faltered in its responsibilities. The absence of rigorous inspections and the failure to check the facilities at study centers contributed to a situation where engineering degrees had to be suspended or annulled for the academic sessions from 2001-2005. The need for reform is thus evident. It requires stringent enforcement of existing guidelines.

37.1. To conclude, what emerges thus is that there have been gross violations by the deemed university in not only setting up off campus study centers offering degrees/diploma in various programs/streams, but even the mandatory requirement of prior approval for introducing the new courses and starting distance education was also not adhered to. The same cannot under any circumstances be countenanced or put under fathoms deep to get away





from the legal consequences. All such degrees awarded by the deemed university are thus liable to be declared invalid and unrecognized.

DIRECTIONS

38. Violations qua lack of approvals continue to subsist even as on today, and I am of the view that strict actions are warranted to avoid further damage. Let us now turn to the remedial measures¹⁶ that are urgently warranted to forthwith plug the further mischief by either of these institutes. Accordingly, in order to do so, following directions are herewith issued :-

38.1 All the impugned order, letters, and communications issued by MHRD, UGC, IGNOU and the erstwhile DEC and later DEB are declared legal and valid. Respondents are directed to proceed with further actions in accordance with these orders/letters to their logical conclusion. The interim stays granted by this Court on various writ petitions, which halted the operation and effect of such communications and letters, are all vacated forthwith in all the petitions.

38.2 All diplomas and degrees, whether undergraduate, graduate, or Ph.D., introduced without specific approval in new courses or through distance education, apart from those existing at the time of obtaining deemed university status, are declared invalid and unrecognized.

38.3 Consequently, as per the aforementioned directive, all diplomas and degrees in general education, except those offered in pre-existing or existing courses/programs, are temporarily suspended as of now.

38.4 During the period of suspension, UGC is directed to promptly take steps to conduct fresh examinations for students whose degrees have been

¹⁶ Guided by the directives issued on Orissa Lift judgment (OLCL case)



suspended following aforesaid directives. Steps must be done within a reasonable time but not later than a year.

38.5 Both institutes, IASE and JRN, must refund the entire amount charged to students enrolled in new unapproved courses, off-campus study centers without prior approval, or distance education without approval.

38.6 The UGC will determine the timeframe for students to clear examinations. Students passing within this timeframe will have their diplomas and degrees reinstated/revived.

38.7 The respective institutes must reimburse UGC in advance for all expenses incurred in this process.

38.8 Until students pass the fresh examinations, any benefits obtained based on their diplomas and degrees shall also remain suspended. However, employers are restrained to recover monetary benefits or other advantages provided to candidates employed based on these diplomas and degrees. Upon their failure to pass examination to be conducted/organized by UGC, the consequences shall follow but no money recoveries even then by the employers.

38.9 Both institutes, IASE and JRN, must immediately cease displaying any enrollment or admission information on their websites for upcoming academic sessions for courses not approved by the UGC. This also applies to enrollment or admission through distance education if not already discontinued.

38.10 Both institutes must promptly close their off-campus study centers and cease offering courses through classroom or distance mode unless prior approval has been obtained.



38.11 Both institutes are prohibited from conducting admissions for courses other than those taught on-campus through traditional classroom coaching, and only for courses offered at the time of obtaining deemed university status.

RELIEF

39. For ready reference, the relief sought by two institutions and its students with current interim status as in each of the petitions in this bunch is tabulated as below:

SL NO	CASE NO. AND TITLE	RELIEF	CURRENT STATUS
1	7267-2005 I.A.S.E. v UOI AND ORS.	Against communications/orders dated 27.06.2005 (Annexure-35) and dated 17.11.2005 (Annexure-52) issued by DEC and UGC, respectively, whereby it was decided not to approve the academic programs of the institute.	VIDE AN INTERIM ORDER DATED 19.12.2005, EFFECT OF ORDER DATED 27.06.2005 AND 17.11.2005 WAS STAYED
2	5372-2008 I.A.S.E. v UOI AND ORS.	Against the communication dated 12.05.2008 (Annexure-64 and 65) issued by UGC whereby it was decided that ex post facto approval is to be reviewed by the joint committee and the same is to be granted to the courses and not to the institute.	VIDE AN INTERIM ORDER DATED 15.09.2008, EFFECT OF ORDER DATED 12.05.2008 WAS STAYED
3	9695-2008 JRN v UOI and ORS.	Against letter dated 12.05.2008 by the UGC (Annexure-18) whereby it was decided that ex post facto approval is to be reviewed by the joint committee and the same is to be granted to the courses and not to the institute.	VIDE INTERIM ORDER DATED 16.12.2008, EFFECT OF ORDER DATED 12.05.2008 WAS STAYED
4	4761-2009 I.A.S.E. v UOI AND ORS.	Against the show cause notice dated 17.04.2009 (Annexure-67) issued by MHRD it IASE was asked to submit its explanations, if any, to the findings/observations of the fact finding team and to show cause as to why notification dated 25.06.2002 declaring IASE as a "deemed to be university" be not withdrawn for violating various conditions.	VIDE INTERIM ORDER DATED 03.06.2009, EFFECT OF NOTICE DATED 17.04.2009 WAS STAYED
5	6155-2009 I.A.S.E. v UOI AND ORS.	Against an order dated 14.05.2009 (Annexure-40) passed by UGC whereby IASE was asked to take action according to the recommendations of the joint committee.	VIDE INTERIM ORDER DATED 29.07.2009, EFFECT OF ORDER DATED 14.05.2009 WAS STAYED
6	9754-2012 I.A.S.E. v UOI AND ORS.	Seeking a direction to give effect to the recommendation made by the joint committee of UGC/AICTE/DEC in its third meeting held on 03.09.2007(Annexure-8) and grant approval to the courses run by the IASE from the year 2005-06 till current Academic Session.	NO STAY
7	13900-2013 JRN v DEU AND ANR	Against a letter dated 19.08.2013(Annexure-33) issued by DEB whereby IASE was asked to submit a fresh proposal for recognition of its programs.	VIDE INTERIM ORDER DATED 26.11.2013, STAY GRANTED AGAINST LETTER DATED 19.08.2013
8	5194-2014 JRN v DEU AND ANR	Against a letter dated 30.04.2014 (Annexure-33) issued by UGC whereby university was not allowed continuation of recognition to conduct programs in distance education mode for Academic Session 2013-14 on wards.	VIDE INTERIM ORDER DATED 17.07.2014, EFFECT OF ORDER DATED 30.04.2014 WAS STAYED



9	5531-2015 I.A.S.E. v UOI AND ORS.	Against a public notice dated 11.03.2015 (Annexure-47), issued by DEB whereby IASE was restrained from offering diploma in Engineering and Technology and other courses through Distance Learning Mode.	VIDE INTERIM ORDER DATED 26.05.2015, EFFECT OF PUBLIC NOTICE DATED 11.03.2015 WAS STAYED
10	7419-2015 JRN v UGC AND ORS.	<p>Against an order dated 11.03.2015 (Annexure-1) issued by DEB whereby it was decided :-</p> <p>1). no University should offer diploma, bachelor and masters level program in engineering and technology other than MBA and MCA till the finalization of UGC Regulations, 2014.</p> <p>2). take action against those universities which are conducting professional courses in engineering & technology in ODL Mode.</p> <p>3).not to consider any request for ex-post facto approval for ODL programs offered by university.</p> <p>And, against an order dated 04.06.2015(Annexure-2) issued by DEB whereby it was decided that the qualification acquired through ODL Mode from a non-recognized institution of higher learning shall neither be recognized for the purpose of employment in government service nor for pursuing higher education.</p>	VIDE ORDER DATED 16.07.2015 EFFECT OF ORDERS DATED 11.03.2015 AND 04.06.2015 WERE STAYED.
11	8832-2015 JRN v UOI AND ORS.	Against the action of UGC in not including JRN in the list of recognized universities (Annexure-36) qua the open and distance learning programs run by JRN, inter alai, for not finalizing regulations regarding open and distance learning.	NO STAY
12	10310-2016 JRN v UOI AND ORS.	Against the action of the respondent UGC in not accepting the proposal of JRN for recognition from academic session 2016-17 onwards and not including the JRN in the list of recognized universities for open and distance learning programs.	STAY GRANTED VIDE COURT ORDER DATED 15.09.2016
13	13467-2018 NARESH KUMAR v MGSU	<p>Against the action of the respondent university in withholding the result of the petitioner for B.Ed I year dated 29.07.2018(Annexure-11) for having unrecognized M.A. Degree from IASE.</p> <p>(M.A. History-2017)</p>	STAY PETITION ALLOWED VIDE ORDER DATED 10.05.2019
14	3051-2019 SUNITA CHOUDHARY v MGSU	<p>Against the action of the respondent university in not declaring the result of the petitioner for B.Ed. I year examination, 2018 and not permitting her for admission in B.Ed. Part-II for having unrecognized B.A. Degree from IASE.</p> <p>(B.A.-2014)</p>	NO STAY
15	5896-2019 RAMNIWAS v MGSU	<p>Against an order dated 16.04.2019 (Annexure-6) passed by respondent university whereby it cancelled the enrollment of the petitioner for pursuing the LL.B. Course for having unrecognized B.A. Degree from IASE.</p> <p>(B.A.-2017)</p>	VIDE INTERIM ORDER DATED 01.05.2019, OPERATION OF ORDER DATED 16.04.2019 WAS STAYED
16	5899-2019 RAJU RAM v MGSU	Against an order dated 15.04.2019 (Annexure-11) passed by respondent university whereby it cancelled the enrollment of the petitioner for pursuing the B.Ed. Course for having unrecognized B.A. Degree from IASE.	VIDE INTERIM ORDER DATED 26.04.2019, OPERATON OF ORDER DATED 15.04.2019 WAS STAYED



		(B.A.-2015)	
17	5905-2019 SUMAN v MGSU	Against an order dated 15.04.2019 (Annexure-10) passed by respondent university whereby it cancelled the enrollment of the petitioner for pursuing the B.Ed. Course for having unrecognized B.A. Degree from IASE. (B.A.-2015)	VIDE INTERIM ORDER DATED 26.04.2019, EFFECT OF ORDER DATED 15.04.2019 WAS STAYED
	6111-2019 REKHA PANDIYA v MGSU	Against an order dated 16.04.2019 (Annexure-9) passed by respondent university whereby it cancelled the enrollment of the petitioner for pursuing the B.Ed. Course for having unrecognized B.A. Degree from IASE. (B.A.-2017)	VIDE AN INTERIM ORDER DATED 02.05.2019, OPERATION OF ORDER DATED 16.04.2019 WAS STAYED.
19	6352-2019 NARAYAN RAM TANDI v STATE	Against an order dated 15.04.2019(Annexure-3) passed by respondent university whereby it cancelled the enrollment of the petitioner for pursuing the B.Ed. Course for having unrecognized B.A. Degree from IASE. (B.A.-2017)	VIDE INTERIM ORDER DATED 08.05.2019, EFFECT OF ORDER DATED 15.04.2019 WAS STAYED
20	6455-2019 MONIKA v MGSU	Against an order dated 30.04.2019(Annexure-10) passed by respondent university whereby it cancelled the enrollment of the petitioner for pursuing the B.Ed. Course for having unrecognized B.A. Degree from IASE. (B.A. -2017)	VIDE INTERIM ORDER DATED 09.05.2019, EFFECT OF ORDER DATED 30.04.2019 WAS STAYED
21	6596-2019 MAHAVIRGAR GOSWAMI v STATE	Against the impugned orders dated 15.04.2019 and 16.04.2019 (Annexure-4, colly) passed by respondent university whereby it cancelled the enrollment of the petitioner for pursuing the B.Ed. Course for having unrecognized M.A. Degree from IASE. (M.A. English-2017)	VIDE INTERIM ORDER DATED 14.05.2019, EFFECT OF ORDER DATED 15.04.2019 WAS STAYED
22	4086-2020 PRATAPA RAM v STATE	Against an order/communication dated 02.03.2020 (Annexure-7) passed by the respondent university whereby it cancelled the enrollment of the petitioner for pursuing the B.Ed. Course for having unrecognized B.A. Degree from IASE. (B.A.-2017)	VIDE INTERIM ORDER DATED 22.07.2020, EFFECT OF ORDER DATED 02.03.2020 WAS STAYED
23	13575-2021 ANITA RATHORE V STATE	Against an order/communication dated 15.09.2021 (annex.16) issued by the respondent university whereby petitioner's examination form was cancelled for having unrecognized B.Com. Degree from IASE. (B.Com- 2018)	VIDE INTERIM ORDER DATED 29.09.202, EFFECT OF ORDER DATED 15.09.2021 WAS STAYED

39.1 With a reference to the aforesaid table, it is made clear that all the writ petitions are disposed of with the directions as already enumerated, and all the orders / directions / communications / show cause notices issued impugned herein are upheld with consequences to follow to the



logical conclusion and stay orders passed by this Court are all vacated forthwith.

40. All pending applications also stand disposed of.

(ARUN MONGA), J

Rakesh / Abhishek / Sumit
Dhananjay / Anil / Jitender

Whether Fit for Reporting: Yes / No

