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

Judgment reserved on: 05.09.2023

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Judgment delivered on: 27.09.2023

+ **W.P.(C) 2807/2021, CM APPL. 8469/2021**

RAHUL MAHAJAN

..... Petitioner

Through: Mr. Vikram Singh Kushwaha,
Advocate.

versus

MINISTRY OF EDUCATION & ORS.

..... Respondents

Through: Mr. Manoj Ranjan Sinha and
Mr. Deepak Sain, Advocates

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE SANJEEV NARULA

J U D G M E N T

SATISH CHANDRA SHARMA, C.J.

1. The present writ petition, in the nature of a Public Interest Litigation (“PIL”) has been filed by the petitioner, highlighting the inaction of the University Grants Commission (hereinafter referred to as the “UGC”) with respect to Universities/ Institution/ Colleges providing unspecified courses.



2. The petitioner has prayed for the following reliefs in the writ petition-

“a) Issue a Writ in the nature of mandamus directing the UGC to ensure compliance by all universities and deemed-to-be universities and colleges and institutes, with Notification dt. 05.07.2014 bearing no. NO. F. 5-1/2013 (CPP-II) issued by the UGC and connected notifications to ensure uniformity in degree nomenclature; and

b) Issue a Writ in the nature of mandamus directing the UGC to ensure wide publication of consolidated list of specified degrees at least twice a year, prior to the commencement of each academic session; and

c) Issue a Writ in the nature of mandamus directing the UGC to maintain and publish a list of approved degrees for each registered university and deemed-to be university and college and institute on its website; and

d) Issue a Writ in the nature of mandamus directing the Respondents to conduct a process of normalization of nomenclature of already issued unspecified degrees to the equivalent approve nomenclature with directions to issuing universities and deemed-to-be universities and colleges and institutes to re-issue fresh, normalized degree certificates in terms of the specified degrees; and

e) The word “may” should be interpreted as “shall” in Section 13 of the UGC Act, 1956; and

f) Revise the amount of penalty of Rupees One Thousand Only provided in Section 24 of the UGC Act, 1956, to be commensurate with the nature and scope of the breach if any; and

g) Appoint an independent committee of retired judges to inquire into and fix accountability into the systemic failure, spanning the tenures of multiple UGC officials, that has resulted in large scale conferment of unspecified degrees; and



h) Pass any other similar Writ(s) or further orders as this Hon'ble Court may deem fit and proper in the interest of Justice, for which the petitioners are duty bound, shall ever pray."

3. The learned counsel for the petitioner submits that he has filed the present petition on the basis of information received by filing multiple RTI applications to various universities/ institutions/ colleges, UGC, various ministries, seeking information about the specification of degrees.

4. The learned counsel for the petitioner contends that due to the lapses and inconsistencies in the laws, rules and regulations of the UGC and the lack of accountability of the respondents, students are conferred with degrees which are not recognized by the UGC. This creates a situation wherein students are led to waste their time, money and effort for a future that does not exist.

5. The facts of the case reveal that the UGC, with the approval of Central Government, published notification No. F. 5-1/2013 (CPP-II) on 05.07.2014 pertaining to specification of degrees which specifies the nomenclature of degrees in the Gazette of India ("**Notification**"). The UGC in the above stated notification has also stated:

"3. No university shall confer a degree in violation of the provisions of this notification. It shall be mandatory for the universities to adhere to the approved nomenclature of degree(s) and ensure minimum standards of instructions before award of degree as hereinafter prescribed."

6. Thereafter, on 11.07.2014 the Secretary, UGC addressed a letter to the Vice Chancellor of all the Universities wherein it was clearly stated that



Section 22 of the Universities Grants Commission Act, 1956 (“UGC Act, 1956”) is mandatory and binding on all Universities, and that the Universities are to award the degree(s) only within the framework of the said provision.

7. Section 22 of the UGC Act, 1956 is reproduced below:

“22. Right to confer degrees-

- (1) The right of conferring or granting degrees shall be exercised only by University established or incorporated by or under a Central Act, a Provincial Act or a State Act or an institution deemed to be a University under section 3 or an institution specially empowered by an Act of Parliament to confer or grant degrees.*
- (2) Save as provided in sub-section (1), no person or authority shall confer, or grant, or hold himself or itself out as entitled to confer or grant, any degree.*
- (3) For the purposes of this section, ‘degree’ means any such degree as may, with the previous approval of the Central Government, be specified in this behalf by the Commission by notification in the Official Gazette.”*

8. UGC has further issued two notifications being University Grants Commission [Categorisation of Universities (Only) for Grant of Graded Autonomy] Regulations, 2018 *vide* Notification number F. No. 1-8-2017(CPP-II) and University Grants Commission (Conferment of Autonomous Status Upon Colleges and Measures for Maintenance of Standards in Autonomous Colleges] Regulations, 2018 *vide* notification number F. No. 1-1/2012(AC). Preamble of both the notifications states that “whereas UGC is mandated to determine, promote and maintain the



standards of higher education in higher education institutions” and “whereas the UGC is mandated to coordinate and determine the standards of higher education in universities” respectively.

9. It is submitted by the learned counsel for the petitioner that despite having such clear rules and regulations in place, several universities/ institutions/ colleges are teaching courses which do not find mention in the list of approved degree/ diploma courses on the UGC website. The petitioner has also placed on record a list of some of the “unspecified courses” which are being run by several universities/ institutions/ colleges across the country.

10. It is also stated by the learned counsel for the petitioner that several universities/ institutions/ colleges which are running unspecified courses without prior approval from the competent authority, are also those which have NAAC accreditation, and therefore, have acquired graded autonomy in accordance with the 2018 notification F. No. 1-8-2017 which in effect exempts them from any inspection by the Commission as provided under Section 13 of the UGC Act, 1956 and Rule 3A of the University Grants Commission (Inspection of University) Rules, 2004 and list of such universities is also placed on record by the petitioner in the underlying petition.

11. The learned counsel for the petitioner contends that students who are conferred with degrees which are not specified in the Notification are being denied of their fundamental right enshrined under Article 21 of the Constitution of India. Reliance has been placed upon *Narendra Kumar v.*



State of Haryana, JT (1994) 2 SC 94, to support this contention. The petitioner further contends that the fundamental right guaranteed under Article 19(1)(g) of the Constitution of the students who are conferred with these unspecified degree is also getting violated.

12. The learned counsel for the petitioner further submits that there is also a violation of Article 14 of the Constitution of India as there is a distinct discrimination between students possessing a degree which is recognized and covered under the notification issued by the UGC, and the ones possessing a degree which is not covered by the said notification.

13. The learned counsel for the petitioner submits that the UGC's inaction is in direct conflict with the judgment passed by the Supreme Court in *Orissa Lift Irrigation Corp. Ltd. v. Rabi Shankar Patro and Ors.*, (2018) 1 SCC 468. In the aforementioned case, the Hon'ble Supreme Court has discussed the commercialization of education and the adverse effect it has on the quality of education, and the role of institutions like UGC in regulating the same. It has been further stated by learned counsel for the petitioner that procedure laid down by Jharkhand High Court in *Mausam Kumar v. The Union of India*, W.P.(C) No. 1187 of 2017 decided on 20.07.2018, ought to be followed uniformly.

14. The learned counsel for the petitioner has brought to the notice of this Court Section 13 of the UGC Act, 1956 which provides for inspection, and the same reads as under:

“(1) For the purpose of ascertaining the financial needs of a university or its standards of teaching, examination and



research, the Commission may, after consultation with the University, cause an inspection of any department or departments thereof to be made in such manner as may be prescribed and by such person or persons as it may direct.”

The learned counsel for the petitioner contends that the use of the word “may” in the aforesaid provision, instead of the word “shall” absolves the UGC of any liability, and therefore, the word “may” should be interpreted as “shall” in the said provision to ensure that the prescribed standard of education in the country is met.

15. It is further stated by the learned counsel for the petitioner that despite the absence of any approval from the UGC, several universities, colleges and institutes have effectively even introduced courses which leads to Ph.D. degrees in various unspecified courses.

16. The learned counsel for the petitioner submits that Section 24 of the UGC Act, 1956 provides for penalties in case of contravention of Section 22 and 23 of the UGC Act, and the same is merely a fine of one thousand rupees. He states that despite knowing and noting in its own letter dated 11.07.2014, the conferment of unspecified degree is leading to litigations and various other serious problems faced by the students. The lack of enforcement of its own rules and regulation is ruining the lives of thousands of students who are falling victim to the shortcomings of the UGC officials and their inability to fulfil their duty and mandate of UGC.

17. The learned counsel for the petitioner further submits that he had earlier filed a writ petition bearing W.P.(C) No. 1365/2020 before the Hon’ble Supreme Court. However, *vide* order dated 13.01.2021 the



petitioner sought liberty to withdraw the writ petition with liberty to move a representation before the appropriate authority and to pursue a substantive remedy under Article 226 of the Constitution before the High Court.

18. A counter affidavit has been filed by the Respondent no. 2/ UGC in this regard on 10.02.2022. It has been stated that UGC has been constituted under the UGC Act, 1956, that came into force with effect from 05.11.1956. The UGC has been entrusted with the duty to take such steps as it deems fit for the promotion and co-ordination of the university education and for the determination and maintenance of standards of teaching, examination and research in universities. The UGC is also authorised to perform such other functions which may be prescribed or deemed necessary for advancing the cause of higher education in India or as may be incidental or conducive to the discharge of its functions.

19. It is stated in the counter affidavit that UGC *vide* letter 5-1/2014 (CPP-II) dated 09.06.2014, had requested all the universities to abide by the provision of Section 22 of the UGC Act, 1956 and award only such degrees as had been specified by the UGC.

20. It is further stated in the counter affidavit by the Respondent no. 2 that the UGC in exercise of the powers conferred under sub-section (3) of Section 22 of the UGC Act, 1956 and in suppression of all earlier Gazette Notifications pertaining to specification of degrees published a consolidated list of Central Government approved nomenclature of degrees *vide* notification no. F.5-1/2013 (CPP-II) dated 05.07.2014.



21. The Respondent no. 2 in its counter affidavit has further stated that the UGC *vide* letter dated 11.07.2014 requested the Vice Chancellors of all the universities to adhere to the nomenclature of degrees specified by the provision of the notification dated 05.07.2014. It was also clarified by the UGC in the above stated letter to all the universities that UGC regulations/ notifications are statutorily and mandatorily to be followed by all the Universities and they have the force of law.

22. It is further stated in the counter affidavit by the Respondent no. 2 that in this regard the UGC also published a Public Notice dated 21.08.2014 on 'Awarding of Specified Degrees' wherein it was categorically mentioned that it is mandatory for all the Universities/ Institutions to abide by the provisions of Section 22 of the UGC Act, 1956 and to award only those degrees which have been specified by the UGC. It is further stated *vide* letters dated 11.09.2015 and 20.01.2020 by the Respondent no. 2 that UGC has repeatedly requested all the universities/ institutions to abide by the provision of Section 22 of the UGC Act, 1956 and award degrees specified by the UGC.

23. Heard the learned counsel for the parties and perused the material on record.

24. It is the case of the petitioner that in utter disregard to the notifications/ regulations issued by the UGC, various universities/ institutions/ colleges have conferred upon their students, degrees which are not specified by the UGC in their Notification that the UGC had issued under Section 22(3) of the UGC Act, 1956. The petitioner's main grievance



is that there is lack of effective implementation of the rules and regulations on the subject by the UGC.

25. It is pertinent to note that the University Grants Commission has been constituted under the provisions of the UGC Act, 1956 that came into force w.e.f. 05.11.1956. The Act was enacted to make provisions for the coordination and determination of standards in universities. The UGC under the Act has been entrusted with the duty to take such steps as it may deem fit for the promotion and co-ordination of the university education and for the determination and maintenance of standards of teaching, examination and research in universities.

26. The counter affidavit of the Respondent no. 2 reveals that *vide* letter dated 09.06.2014, and 11.07.2014, the UGC communicated to the Vice-Chancellors of the Universities and colleges to ensure strict compliance of Section 22 of the UGC Act, 1956 and directed that no university shall confer a degree in violation of the same. It was also directed that the said provision is mandatory for the universities to adhere to the approved nomenclature of degrees and ensure the observance of minimum standards of instruction before award of degree as prescribed. It was specifically observed as well by the Respondent no. 2 in their letter that some of the universities/ institutions are awarding unspecified degrees and that contravention of the provision relating to the specification of degree shall render the defaulting university and its affiliated colleges liable for appropriate action by the UGC. Further, it was stated in the letter that Universities are to only confer such degrees as have been specified by the UGC in the Notification.



27. The respondent no. 2 has issued various letters to all the universities to ensure that they comply with provision of the UGC Act with regard to the specification of degrees. It may, therefore, be seen that Respondent no. 2 is taking all necessary measures to ensure strict compliance of the UGC Act, 1956 with regard to specification of degree. Furthermore, the UGC stated in their letter that when such universities/ colleges wish to award a degree other than one specified by the UGC or change the duration of the course specified as minimum in the said notification, it shall approach the UGC for its approval six months prior to starting the degree programme with full justification on the course to be started. It is also pertinent to mention herein that such list of specification of degree issued *vide* gazette notification is also available on the website of the UGC.

28. Furthermore, the UGC *vide* letter dated 11.09.2015 reiterated its direction issued on 11.07.2014, and asked the universities to align the degrees offered by the universities/ colleges with the degrees specified by the UGC. The UGC reiterated its stance that any violation of Section 22 of the UGC Act and the directions issued from time to time in compliance thereof by the universities/ colleges offering degrees not specified by the UGC would render such unspecified degrees as unrecognised by the UGC.

29. The purpose of providing specification of degrees approved by the UGC from time to time which are published on the website by the UGC is to ensure for all universities and colleges and the students enrolling in such colleges/universities that degrees of students studying unspecified degree courses would render such unspecified degrees unrecognised by the UGC. It is done to maintain uniformity in the standards of education. Furthermore,



the UGC is competent within its powers to take appropriate action against the Universities and colleges offering such unspecified degrees and such universities are liable for penalty under Section 24 of the UGC Act, 1956.

30. In view of the above, no order is required to be passed in the present writ petition. However, UGC is directed to take appropriate necessary actions to ensure compliance of the provisions of the UGC Act, 1956.

31. Accordingly, with the aforesaid observations, the PIL stands disposed of with no order as to costs.

(SATISH CHANDRA SHARMA)
CHIEF JUSTICE

(SANJEEV NARULA)
JUDGE

SEPTEMBER 27, 2023