

-1-

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 01<sup>ST</sup> DAY OF AUGUST, 2019

BEFORE

THE HON' BLE MR.JUSTICE R. DEVDAS

**WRIT PETITION NO.51151/2016 (EDN-REG-P)**

**BETWEEN**

THE NATIONAL LAW SCHOOL OF INDIA UNIVERSITY  
ESTABLISHED UNDER THE NATIONAL  
LAW SCHOOL OF INDIA ACT, 1986,  
GNANA BHARATHI MAIN ROAD,  
NAGARBHAVI, BENGALURU-560 242,  
REPRESENTED BY ITS REGISTRAR.

... PETITIONER

(BY SRI. ADITYA SONDHI, SENIOR COUNSEL FOR  
SMT. B. V. NIDHISHREE, ADVOCATE)

**AND**

- 1 THE UNIVERSITY GRANTS COMMISSION  
ESTABLISHED UNDER THE UNIVERSITY  
GRANTS COMMISSION ACT, 1956,  
BAHADUR SHAH ZAFAR MARG,  
NEW DELHI-110 002,  
REPRESENTED BY ITS REGISTRAR.
2. THE UNION OF INDIA  
DEPARTMENT OF CONSUMER AFFAIRS,  
MINISTRY OF CONSUMER AFFAIRS,  
FOOD AND PUBLIC DISTRIBUTION,  
KRISHI BHAWAN,  
NEW DELHI-110 001.  
REPRESENTED BY ITS SECRETARY.
3. THE UNION OF INDIA  
DEPARTMENT OF INFORMATION TECHNOLOGY,  
MINISTRY OF ELECTRONICS AND

-2-

INFORMATION TECHNOLOGY,  
SANCHAR BHAWAN,  
NEW DELHI-110 001,  
REPRESENTED BY ITS SECRETARY.

... RESPONDENTS

(BY SRI. SHOWRI H. R, ASG FOR R1  
SMT. K. S. ANASUYADEVI, CGC FOR R2 & R3)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA, PRAYING TO QUASH THE COMMUNICATION DTD:9.8.2016 (ANNEXURE-X) ISSUED BY THE R-1 AS BEING ARBITRARY, DISCRIMINATORY AND IN VIOLATION OF THE PRINCIPLES OF NATURAL JUSTICE AND ETC.

THIS WRIT PETITION COMING ON FOR PRELIMINARY HEARING 'B' GROUP THIS DAY, THE COURT MADE THE FOLLOWING:

**ORDER**

**R.DEVDAS J., (ORAL):**

This petition has been filed by the petitioner-University seeking a direction questioning the communication bearing F.No.7-7/2016 (DEB-I), dated 09.08.2016, issued by the respondent No.1-University Grants Commission (hereinafter referred to as 'UGC' for short) and a further direction in the nature of mandamus directing the respondent No.1-UGC to permit the petitioner-University to offer courses of the Post-Graduate Diploma in Consumer Law and Practice (PGDCLP) and Post-Graduate Diploma in Cyber Law and Cyber

Forensics (PGDCLCF), as per its representation dated 15.05.2013.

2. Sri. Aditya Sondhi, learned Senior Counsel appearing for the petitioner-University would submit that the University, at the instance of the Department of Consumer Affairs, Ministry of Consumer Affairs, Food and Public Distribution, Government of India and Department of Information Technology, Ministry of Communication and Information Technology, Government of India, decided to offer two programmes, in addition to other courses which were been successfully run by the University. In this regard, the University, by a letter dated 15.05.2013, sought the approval of the Indira Gandhi National Open University (hereinafter referred to as 'IGNOU' for short) for approval and recognition, since at that point of time, IGNOU was the authority, which had jurisdiction of granting approval and recognition. It is not in dispute that subsequently the jurisdiction came to be vested in the respondent No.1-UGC, w.e.f. 16.05.2013.

3. Subsequently, the petitioner-University made a fresh application seeking approval vide a letter dated 15.05.2013. There are several correspondences in this regard, which may not be required to be stated in detail. Nevertheless, by the impugned communication dated 09.08.2016, respondent No.1-UGC, while granting approval to a new programme i.e., Master of Business Law, however stated that the approval for new programmes i.e. (i) PGDCLP and (ii) PGDCLCF, the programmes, which are subject matters of this writ petition was to be considered by UGC later. It is this communication which has been questioned in this communication.

4. Though this Court heard the learned Senior Counsel appearing for the petitioner-University and Sri. Showri H.R., learned Central Government Counsel appearing for respondent No.1-UGC, this Court is of the opinion that this writ petition may be disposed of in terms of the directions issued by a co-ordinate Bench of this Court in W.P.No.42274/2016, dated 18.08.2016, where a similar type of prayer made with respect to another programme known as

“Master of Public Policy”. While disposing of that matter, this Court had remitted the matter back to the UGC with a direction to the UGC to give the petitioner an opportunity of hearing and then to pass a reasoned order.

5. During the course of the argument, learned counsel for respondent No.1-UGC, fairly submitted that the relevant portion of the order in the impugned communication is not happily worded. Instead of saying that the approval for new programmes will be considered at a later stage, what has been stated therein is that “not to be considered by the UGC later”. It is because of this communication, the petitioner-University is before this Court. Nevertheless, when the petitioner-University has filed this writ petition with a specific prayer to quash the communication, since it states that the approval is not be considered, in all fairness, respondent No.1-UGC should have communicated or submitted before this Court that the application filed by the University is still under consideration and if permitted, the UGC shall pass

appropriate orders. Sufficient time has elapsed, since, this petition was filed.

6. As pointed out by the learned Senior Counsel and in view of the second proviso to sub-regulation (4) (i) of regulation 3 of the University Grants Commission (Open and Distance Learning) Regulations, 2017, which mandates that the Commission, before passing an order, shall provide a reasonable opportunity to the concerned Higher Educational Institution of being heard, the respondent-UGC is required to give an opportunity of hearing before any order is passed in this regard.

7. In the light of the above and in that view of the submission of the learned counsel for respondent No.1-UGC that the representation made by the petitioner-University shall be considered in accordance with law and orders will be passed as expeditiously as possible, this writ petition is disposed of with a direction to respondent No.1-UGC to consider the representation dated 28.04.2016, made by the petitioner-University, for the academic years 2016-17 and

-7-

onwards, as expeditiously as possible and at any rate within a period of three months from the date of receipt of a certified copy of this order.

Accordingly, the writ petition is ***disposed of***.

**SD/-**  
JUDGE

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