

**IN THE HIGH COURT OF MADHYA PRADESH
AT GWALIOR**

BEFORE

DIVISION BENCH

HON'BLE SHRI JUSTICE MILIND RAMESWH PHADKE

&

HON'BLE SHRI JUSTICE ASHISH SHROTI

WRIT APPEAL NO. 29 TO 2025

MAHARISHI MAHESH YOGI VEDIC VISHWAVIDYALAYA

Versus

VINAY YADAV & ORS.

Appearance:

Shri Sanjay Tamrakar-Senior Advocate assisted by Shri Ankit Chopra-
Advocate for the appellant.

Shri B.M.Patel- GA for respondents no. 4 to 8/State.

AND

WRIT APPEAL NO. 51 TO 2025

KU. PRIYANKA MANGAL

Versus

THE STATE OF M.P. & ORS.

Appearance:

Shri G.S.Sharma - Advocate for the appellant..

Shri B.M.Patel- GA for the respondents/State.

AND

WRIT APPEAL NO. 379 TO 2025***AKRATI TOMAR****Versus****THE STATE OF M.P. & ORS.***

Appearance:

Shri Siddharth Sharma - Advocate for the appellant.

Shri B.M.Patel- GA for the respondents/State.

Reserved on:- 07/07/2025**Pronounced on:-** 15/07/2025

J U D G M E N T**Per:- Ashish Shrotri,J**

The W.A. No.51/25 has been filed by Ms. Priyanka Mangal while W.A. No.379/25 has been filed by Ms. Akriti Tomar being aggrieved by the order, dated 20.11.2024, passed by learned Single Judge in W.P. No.5824/17 & W.P. No.6051/17 respectively, whereby their writ petitions have been dismissed. The W.A. No.29 of 2025 has been filed by Maharishi Mahesh Yogi Vedic Vishwavidyalaya (hereinafter referred as “appellant University”) being aggrieved by the aforesaid orders passed by learned Single Judge. Since, the appellant University was not a party in the writ petitions, it filed an application seeking permission to file the appeal which we have allowed vide order, dated 07.07.2025.

2. Since, a common issue is involved in these appeals, they are being decided by this common order. Further, since, the issue involved in these appeals is concerning the validity of the qualification/certificate of diploma granted by the appellant University, the facts are being taken from the appeal filed by appellant University viz. W.A. No.29/2025.

3. The facts which gave rise to present *lis* are that the respondent no.1 to

3 (hereinafter referred to as “writ petitioners”) participated in the recruitment process conducted by Professional Examination Board for the post of Accountant. The minimum educational qualification prescribed for the post was:

- (i) Graduation Degree in Commerce with minimum 50% of marks;
- (ii) Diploma in Computer awarded by any University/Open University recognized by UGC or D.E.O.A.C.A. level of diploma or certificate regarding Modern Office Management issued by Govt. Polytechnic College.

4. The writ petitioners applied for the said post and were declared selected. They were accordingly appointed on the post of Accountant and were posted in Jila Shiksha Kendra in Block Sabalgarh, Porsa & Ambah in District Morena, in the month of 08.06.2017. The writ petitioners accordingly started working on their respective posts. It appears that in relation to certain queries raised by various Jila Shiksha Kendra, the Rajya Shiksha Kendra examined the educational qualifications of various candidates and vide communication, dated 28.08.2017, (Annexure P/1) informed all the Jila Shiksha Kendra about eligibility/ ineligibility of candidates. The writ petitioners were declared ineligible on the ground that their qualification of PGDCA/DCA is not acceptable as the same is obtained from *off campus* course of private university. It is against this communication, dated 28.08.2017, issued by Rajya Shiksha Kendra that the writ petitions were filed which have been dismissed by learned Single Judge vide impugned order, dated 20.11.2024.

5. Challenging the order passed by learned Single Judge, Shri Sanjayram Tamrakar, learned Senior Counsel for the University, submitted that the appellant University is the creature of State Legislation namely Maharishi Mahesh Yogi Vedic Vishwavidyalaya Adhiniyam, 1995, (hereinafter referred as “Adhiniyam”). It is his submission that by virtue of provisions of Section 4 read with Section 2(l) & (o) of Adhiniyam, the appellant University was

entitled to recognize and/or collaborate with any other institute to run the courses. He also submitted that till 07.11.2014, the appellant University was included in the list of State University by UGC and the writ petitioners have acquired their qualification before this date. Therefore, rejection of their candidature by Rajya Shiksha Kendra is contrary to record and illegal. He further submitted that, before cancelling writ petitioners' candidature, the respondent authorities ought to have consulted the appellant University. However, not only the University but also the writ petitioners were not heard before passing impugned order. He also submitted that in various other litigations, this issue has already been considered and decided by this Court wherein the respondent authorities were also party. Still contrary to order passed by this Court, the impugned decision has been taken. He also submitted that all the facts and legal position was not placed before the learned Single Judge which has resulted in passing of impugned orders.

6. The learned counsel for appellants in other appeals adopted the arguments of Shri Sanjayram Tamrakar and prays for allowing the writ appeals/petitions. In addition, they submitted that since pursuant to their selection, the writ petitioners were appointed on the post of Accountant and, therefore, their candidature could not have been cancelled without affording them opportunity of hearing. They thus prayed for setting aside of impugned order passed by learned Single Judge and also the impugned order passed by Rajya Shiksha Kendra and for consequent direction for reinstatement of writ petitioners with all consequential benefits.

7. On the other hand, learned Government Advocate supported the impugned order passed by learned Single Judge and submitted that in view of specific directions issued by UGC vide circular, dated 09.08.2014, the appellant University was not competent to run the *off campus* courses. Referring to para 9 to 11 of impugned order passed in writ petitions, he submitted that the action of respondent in not accepting writ petitioners' qualification for the post of Accountant is justified and the same does not warrant any interference in these appeals. He, therefore, prayed for dismissal

of writ appeals.

8. We have considered the arguments of learned counsels for the parties at length and have perused the record of this case.

9. The appellant University has been constituted under Section 3 of Adhiniyam. Section 4 of Adhiniyam prescribes the powers of the University. Clause (ii), (vi) & (x) of Section 4 confers following powers on the University:

“(ii) to grant, subject to such conditions as the University may determine, diplomas or certificates to and confer degrees or other academic distinctions on the basis of examination, evaluation or any other method of testing on, persons, and to withdraw any such diplomas, certificates, degrees or other academic distinctions for good and sufficient cause;

(vi) to recognise an institution of higher learning for such purposes as the University may determine and to withdraw such recognition;

(x) To co-operate or collaborate or associate with any other University or authority or institution or higher learning in such manner and for such purposes as the University may determine;”

Further, Section 2(l) defines ‘Institution’ while Section 2(o) defines ‘recognized institution’ as under:

“(i) “Institution” means an academic institution, not being a college, maintained by the University;

(o) “recognized institution” means an institution of higher learning recognised by the University.

A conjoint reading of Section 4(ii), (vi) & (x) with Section 2(l) & (o) of the Adhiniyam demonstrates that the University is empowered to recognize an institution of higher learning and further it can co-operate or collaborate or associate with any other University or authority or institution of higher learning. The institution would include an institution other than a college.

10. Keeping in view the aforesaid legal provisions of Adhiniyam, if the facts of present case are analyzed, it is gathered that the writ petitioner Vinay Yadav obtained his PGDCA certificate on 02.09.2013 from MY-0109: II TECH Institute, Gwalior, petitioner Pooja Sharma obtained her DCA certificate on 27.08.2012 from Mangalam institute of Professional Studies,

Ambah, petitioner Priyanka Mangal obtained her DCA certificate on 07.09.2011 from Institute of Information & Astrology Man, Ambah and petitioner Ms. Akriti Tomer obtained her DCA certificate on 2/9/2013 from Nirbhaya Institute of Management Studies, Sumawali. These institutes are hereinafter collectively referred to as “Institutes” for brevity. These institutes are termed as *off campus course run by franchisee of Maharishi Mahesh Yogi Vedic Vishwavidyalaya, Madhya Pradesh* in the impugned orders. It be noted here that, even though the courses in question were prosecuted by writ petitioners from the aforesaid institutes, the certificate of diploma has been issued under the seal and signature of Assistant Registrar (Examination) of the appellant University. While rejecting the writ petitioners’ candidature, reason assigned by Rajya Shiksha Kendra is that the qualification of PGDCA/DCA is obtained from *off campus* course of private University. Thus, two issues arise for consideration for disposal of these appeals:

- i. Whether appellant University was a private University at the time when the certificates in question were issued?
- ii. Whether appellant University was competent to recognize the Institute to impart the course of PGDCA/DCA?

11. So far as first issue is concerned, it is gathered that the appellant University was initially created under Section 3 of the Adhiniyam in the year 1995. Further, under Section 2(f) of University Grants Commission Act, 1956, the term University is defined as under:

“(f) “University” means a University established or incorporated by or under a Central Act, a Provincial Act or a State Act, and includes any such institution as may, in consultation with the University concerned, be recognised by the Commission in accordance with the regulations made in this behalf under this Act.”

12. The University Grants Commission (hereinafter referred as “UGC”) included the appellant University in its list of State Universities maintained under Section 2(f) of the Act of 1956 as is evident from OM No.F.9-9/96(CPP-I), dated 24.08.1998, (Annexure A/4). Later on, vide communication, dated 07.11.2014, (Annexure A/6) UGC removed the name of appellant University from the list of State Universities and included its

name in the list of Private Universities with effect from 07.11.2014. It appears that the appellant University had challenged the said communication before this Court in W.P. No.5012/15 which came to be disposed off vide order, dated 20.04.2015, with direction to UGC to consider the pending representation of appellant University. The UGC accordingly considered the matter again and reiterated its decision to include the name of appellant University in list of Private Universities. These facts are gathered from order, dated 22.05.2015, (Annexure A/7) which was passed by UGC in compliance of directions issued by this Court in W.P. No.5012/15. It is thus evident that the appellant University was recognized as State University from 24.08.1998 till 07.11.2014 when its name was removed from list of State Universities and included in State Private Universities.

13. The certificates of writ petitioners have been issued in the year 2011, 2012 & 2013. Meaning thereby, when the writ petitioners prosecuted their courses and obtained diploma certificates, the University was a State University and was not a Private University. The reason assigned for rejecting their candidature that PGDCA/DCA was done by writ petitioners from Private University is thus not correct.

14. Coming on to the next issue, it is seen that the educational qualification prescribed for the post is that a candidate must have Diploma in Computer Application from a University which is recognized by UGC. From the discussion made above, it is to be held that the appellant University was recognized by UGC. Now, the issue remains is as to whether the course conducted by Institutes under the umbrella of appellant University is acceptable or not?

15. We have referred to provisions of Section 4(ii), (vi) & (x) and Section 2(l) & (o) of the Adhiniyam which not only empowers the appellant University to establish and maintain colleges, institutions and halls but also empowers it to co-operate or collaborate or associate with any other University or authority or institution of higher learning. Thus, by virtue of aforesaid provisions of Adhiniyam, the appellant University was competent

to even co-operate/ collaborate with the Institutes to impart PGDCA/DCA courses on its behalf. Needless to mention, the diploma certificates are ultimately granted by the appellant University.

16. The learned senior counsel for the appellant University placed reliance upon Division Bench judgment of this Court in the case of *Neelesh Shukla & others vs. State of M.P. & ors.* reported in **2009 SCC Online MP 807**. It was a case where candidature of petitioners was at stake who had obtained diploma certificate from the institute recognized by the appellant University. However, in that case the certificates were issued by institute and not by University. After dealing with provisions of Adhiniyam, this Court upheld the power of appellant University to have recognized institute but did not accept the certificates issued by institute itself instead of University. The observation of Division Bench made in para 32 are relevant and are thus reproduced hereunder for ready reference:

“32. Thus, it is evincible that Section 4 of the Act deals with powers of the University. Sub-section (vi) empowers the University to establish and maintain colleges, institutions and Halls. The institutions are established by the University but the diplomas are eventually conferred by the University itself. What is required by the letter-circular is to produce diplomas or certificates with the seal of the University and with the signature of the competent authority of the University. Hence, there is no change in the terms incorporated in the advertisement. It does not remotely transgress the stipulation in the Rule. What the letter-circular postulates is only the method how the certificate is to be produced as per law. It is in accord with the Rule and the advertisement. Therefore, we are unable to accept the spacious submissions raised by the learned counsel for the petitioners that the same transgresses the Rule or the advertisement.”

17. Even though the issue involved in these appeal was not directly involved in the case of *Neelesh Shukla*. However, while rendering abovequoted finding, the Division Bench has considered the provisions of Section 4(vi) of the Adhiniyam. Adding to this, Section 4(x) of the Adhiniyam further empowers the appellant University to even co-

operate/collaborate/associate with any University/authority/institution of higher learning. Since, the certificates in question have been issued by the appellant University, the same are required to be accepted in view of judgment rendered in the case of **Neelesh Shukla** (supra). It has to be held that the appellant University was competent to even collaborate with the Institute for purposes of imparting PGDCA/DCA courses. Needless to mention here that the competence of Assistant Registrar (Examination) of University, who has issued certificates in favour of writ petitioners, has not been questioned by the respondents.

18. The similar issue cropped up before Indore Bench of this Court in the case of **Kamal Bundela & another vs. State of M.P. & ors.** (W.P. No.5059/2017). In this case also the PGDCA certificate was obtained by petitioner therein from *off campus* institute recognized by appellant University. This fact is evident from the respondents' case as narrated in para 7 of the order as under:

“7. The respondent no.1 to 3 have filed their reply and 4 (W.P. No.5059/2017) in the said reply, the respondents have stated that the petitioners have produced the certificate of PGDCA issued in the year 2014, passed from the Maharishi Mahesh Yogi Vedic Vishwavidyalaya and the said University is not recognized by the UGC. The respondents have further stated that the appointment of the petitioners were cancelled not only on the ground that the Maharishi Mahesh Yogi Vedic Vishwavidyalaya is not recognized by UGC, but on the ground that the petitioners have obtained the said certificate by appearing in the examination off-campus and the UGC not recognized or approved any off campus centre(s) of the University. In such circumstances, the respondents have stated that the petition deserves to be dismissed.”

19. In para 10 of the order, the stand of the appellant University is mentioned which is as under:

“10. The UGC issued the communication dated 7/11/2014 and 22/05/2015 stating that since the University is self financed University, its name is included in the list of State Private University as maintained by the University Grants Commission. The current status of the

respondent/University, which is being reflected in the Website of the UGC to be a private University, which has been taken note of by Rajya Shiksha Kendra, Bhopal and perhaps thus, on that account, the appointment to the petitioners is being denied. The dispute declaring the University to be a private University came into existence on 7/11/2014 and much prior to that the petitioners had already prosecuted their studies and mark-sheets were also issued to them.”

20. The appellant University thus relied upon the same communication, dated 07.11.2014 & 22.05.2015, which are filed as Annexure A/6 & A/7 in the instant appeal. After considering the submissions made by parties, the learned Single Judge held in para 13 as under:

“13. In the present case, from perusal of the record it reveals that the petitioners have completed their PGDCA Course in the year 2013 & 2014. At that time, the said post was recognized by UGC. However, subsequently, in the year 2017, the UGC on its website has informed that the PGDCA Course/certificates obtained from the off campus of the University, is not recognized certificate and on the basis of that ground, the respondents have not issued the appointment order to the petitioners. As stated above, when the petitioners have completed their PGDCA Course, at that time the said post was recognized by UGC, therefore, in subsequent disqualification incurred by the respondent no.4 University, it would not dis-entitle the petitioners from being appointed. It is not the case of the respondents that the PGDCA Course obtained by the petitioners in the year 2014 is fake, false, fabricated or was not recognized at the relevant point of time. Before declaration of status to be private University, the answering respondents were well competent to recognized/Associate Institution through which, the education was being imparted and, thus, at the time of prosecution of PGDCA courses by the petitioners and issuance of the mark-sheets, the University was a State University and, therefore, the mark-sheets issued to the petitioners are valid.”

Thus, the issue involved in the case **Kamal Bundela** was exactly similar to the issue involved in the present case. This order passed by learned Single Judge was affirmed by Division Bench by its order, dated 23.01.2020, passed in W.A. No.1407/19 and further the SLP filed against the order of

Division Bench was also dismissed by Apex Court in SLP (C) No.8662/20 vide order, dated 16.10.2020 (Appellant A/14). Meaning thereby, the certificate obtained from *off campus* course of University was held legal & valid for purposes of educational qualification for the post of Accountant.

21. After having dealt with powers of the University conferred under Section 4 of Adhiniyam, the next issue is as to whether such powers are unfettered and uncontrolled. The answer to this issue lies in Section 12 of UGC Act, 1956, which provides as under:

“12. Functions of the Commission.—It shall be the general duty of the Commission to take, in consultation with the Universities or other bodies concerned, all such steps as it may think fit for the promotion and co-ordination of University education and for the determination and maintenance of standards of teaching, examination and research in Universities, and for the purpose of performing its functions under this Act, the Commission may—....”

22. Provisions of Section 4 of Adhiniyam vis-à-vis Section 12 of UGC Act were subject matter of consideration before Apex Court in the case of *Maharishi Mahesh Yogi Vedic Vishwavidyalaya vs. State of M.P.* reported in *(2013)15 SCC 677*. It was a case where the State Legislature added a proviso to Section 4(i) of Adhiniyam stipulating that the University can run any course with the approval of State Government. This proviso thus curtailed the powers of appellant University. This was challenged in the aforesaid case. The Apex Court declared the said proviso as *ultra vires* and held in para 106 & 107 as under:

“106. When we examine the ultimate conclusion of the Division Bench that such a control by the University Grants Commission will not extend to the running of the centres, we are of the considered view that what all may apply to conduct of courses, should equally apply to the running of centres as well. In this context, it will be worthwhile to make a further reference to the stipulation contained in Section 12 of the University Grants Commission Act, which makes the position clear. Under Section 12, the general duty of the Commission to take in

consultation with the universities or other bodies is concerned, is all such steps as it may think fit for the promotion and coordination of university education and for the determination and maintenance of standards of teaching, examination and research in universities. It also further stipulates that such a decision should be taken by the University Grants Commission for the purpose of the Universities to perform its functions under the Act. The Division Bench itself has noted that the running of the courses and determination thereof, can be controlled only by the University Grants Commission by virtue of the operation of Section 12. If it is for the University Grants Commission to take a decision in consultation with the universities, such steps as it thinks fit for the promotion and coordination of university education, then it will have to be held that, that it should include, apart from the course content, the manner in which education is imparted viz. the process of teaching, while at the same time ensuring the standard of such teaching is maintained by deciding as to whether such teaching process can be allowed to be imparted in places other than the university campus viz. in the centres or other colleges.

107. In our considered opinion, Section 12 of the University Grants Commission Act, 1956 would encompass apart from determining the course contents with reference to which the standard of teaching and its maintenance is to be monitored by the University Grants Commission, would also include the infrastructure that may be made available, either in the University or in other campuses, such as the centres, in order to ensure that such standard of education, teaching and examination, as well as research are maintained without any fall in standards. Therefore, while upholding the conclusion of the Division Bench that it is beyond the legislative competence of the State Legislature to stipulate any restriction, as regards the conduct of the courses by getting the approval of the State Government, in the same breath, such lack of competence would equally apply to the running of the centres as well.”

The Apex Court thus held that, the State Government do not have any

power to control powers of appellant University conferred under Section 4 of Adhiniyam, however, the said powers of University are controlled by UGC by virtue of Section 12 of UGC Act, 1972.

23. The UGC was thus competent to issue instructions for the promotion and coordination of university education and for the determination and maintenance of standards of teaching, examination and research in universities. The instructions issued by UGC vide circular, dated 09.08.2014, cannot be held to be without jurisdiction and are binding on appellant University. However, the issue is as to whether these instructions would apply retrospectively? In other words, whether the instructions issued by UGC vide circular, dated 09.08.2014, would nullify the acts already done by University? The answer would be in negative inasmuch as when the writ petitioners obtained their qualifications from the Institutes under the umbrella of appellant University, there were no such instructions prevailing. Since, the University was empowered to conduct such courses through Institutions and there was no restriction put by UGC, the same cannot be said to be illegal and/or without competence. It is thus held that qualifications acquired by writ petitioners before issuance of circular, dated 09.08.2014, are legal and valid and are acceptable for purposes of appointment on the post in question.

24. The learned Single Judge has also relied upon a public notice issued by UGC which is concerning Private Universities. We have held in aforesaid discussion that till 07.11.2014, the University was enlisted as State University by UGC and the qualification acquired by writ petitioners are prior to this date. Therefore, the public notice relied upon by respondents and also by learned Single Judge would not be applicable in the present case.

25. The other argument made by appellants' counsel regarding violation of principles of natural justice is also worth consideration. Admittedly, the writ petitioners were selected and appointed on the post in question. Therefore, Rajya Shika Kendra was required to hear the writ petitioners before passing the impugned order. Further, it should have at least consulted the University

before passing impugned order.

26. The writ petitioners also committed a mistake by not impleading appellant University as party in the writ petitions which has resulted in passing of impugned order. Had the University been impleaded, the legal position, stated above, would have been made clear by it in the writ petitions itself and the impugned order may not have been passed.

27. In view of the above discussion, we pass the following order:

- i. the order, dated 20.11.2024, passed by learned Single Judge in W.P. No.5824/17 & W.P. No.6051/17 is hereby set aside;
- ii. the impugned communication, dated 28.08.2017, (Annexure P/1) issued by Rajya Shiksha Kendra, Bhopal, is also set aside to the extent it relates to writ petitioners;
- iii. the respondents are directed to reinstate the writ petitioners on their respective posts togetherwith benefit of seniority. However, looking to the peculiar facts of the case, they are held not entitled to benefit of back wages.

28. With the aforesaid directions, these appeals are allowed and disposed off.

(MILIND RAMESH PHADKE)
JUDGE

(ASHISH SHROTI)
JUDGE

jps/-