

**HIGH COURT OF MADHYA PRADESH : BENCH AT INDORE**

**S. B.: Hon'ble Ms. Justice Vandana Kasrekar**

**W.P. No.5059/2017**

**Kamal Bundela & Anr.**

**Vs.**

**The State of M.P. & Ors.**

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Shri L.C. Patne, learned counsel for the petitioners.

Shri Aditya Choudhary, learned Govt. Advocate for the respondent Nos.1 to 3/State.

Shri Aniket Naik, learned counsel for the respondent no.4.

**ORDER**

***(Passed on this 16<sup>th</sup> day of May, 2019)***

**Per Ms. Vandana Kasrekar, J.**

The petitioners have filed the present petition against the illegal and arbitrary action of the respondents in declaring the petitioners ineligible for appointment on the post of Accountant under respondent no.2 on the ground that the PGDCA certificates obtained by the petitioners from Maharishi Mahesh Yogi Vedic University is not recognized by the University Grants Commission(UGC) as per the information available on 13/06/2017.

2. The M.P. Professional Examination Board, Bhopal has published an advertisement for appointment on the post of Accountant on contractual basis under respondent no.2. As the petitioners were fully eligible for appointment on the said post, therefore, they submitted their applications. They were called upon to appear in a written test scheduled to be held on 5/04/2015 for which test admit cards were also issued to them.

3. The petitioners appeared in the aforesaid written examination as Scheduled Tribe, Scheduled Caste Category candidates respectively. The result of the said examination was declared on 8/07/2015. Soon after declaration of the results, the respondent no.2 has published an advertisement/notice dated 29/12/2016 thereby issuing schedule of counseling and the process to be adopted before issuance of formal appointment order.

4. The petitioners were called upon for counseling and choice filling. As the process of verification of the documents of the selection process was taking unduly long time, the respondent no.2 issued an order dated 11/05/2017 directing the Collectors and District Mission Directors to observe time bound schedule for verification of the documents.

5. On 29/05/2017, the respondent no.2 issued a format of issuance of appointment order to the successful candidates. The petitioners documents were verified by the respondents at their own level and petitioner no.1 was allotted Block Bhag, District – Dhar and petitioner no.2 was allotted Block Gandhwani, District – Dhar. The petitioners submit that after they were allotted District – Dhar, they have submitted their original documents for verification by submitting applications dated 29/05/2017 ad 30/05/2017 to the respondent no.3. Thereafter, provision selection list was published on 12/07/2017 in which the petitioners were declared ineligible for

appointment on the post of Accountant on the ground that the PGDCA obtained by the petitioners is not recognized as per the latest information available on the official web portal of UGC. Being aggrieved by that order, the petitioners submitted representations stating that at the time when they are undertaking the course that is in the year 2014, the same was recognized by the UGC. However, as no action has been taken in the matter, therefore, the petitioners have filed the present petition.

6. Learned counsel for the petitioners submit that the petitioners have obtained the PGDCA Diploma course from respondent no.4/University, which was valid in the year 2014. Therefore, the subsequent de-recognition of the University by the UGC, from where the petitioners have obtained the PGDCA Diploma is hardly of any consequence. He further submits that in the advertisement, it has not been mentioned that the candidates must have obtained PGDCA course from an institution recognized by the UGC. He further relied on the judgment of the Division Bench of this Court in the case of **Neelesh Shukla & Ors. Vs. State of M.P. & Ors.**, passed in W.P. No.8419/2009 decided on 5/10/2009 along with other connected writ petitions and submits that once the mark-sheet has been issued under the seal of the University and if signature of the Competent Authority of the University then the said degree is valid degree.

7. The respondent no.1 to 3 have filed their reply and

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.

8. The respondent no.4 has filed the reply and in the said reply, the respondent has stated that Maharishi Mahesh Yogi Vedic Vishwavidyalaya has been created by way of a statute namely, Maharishi Mahesh Yogi Vedic Vishwavidyalaya, Act, 1995(hereinafter referred to as “the 1995 Act”). The Act received the assent of the Governor on 25/11/1995 and was published in the Madhya Pradesh Gazette dated 29/11/1995.

9. Sub-clause (ii) to (xxviii) of Section 4 refers to the various other powers such as granting diplomas and certificates to organize and undertake extra-mural studies; conferment of honorary degree; facilities for distance education system. The petitioners completed their studies of Post Graduate Diploma in Computer

Application(PGDCA) from the respondent no.4/Institute in the Academic Year 2013 and 2014. Accordingly, upon completion of the course, the mark-sheets were issued to them in June, 2013 and June 2014.

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.

11. Heard learned counsel for the parties and perused the record.

12. In the present case, the petitioners have submitted their applications for appointment on the post of Accountant on contractual basis. They have completed their selection process. However, no appointment order was issued to them. The petitioners, therefore, submitted their representation. Thereafter, they had come to know that the certificate of PGDCA which is produced by the petitioners are not recognized by UGC and, therefore, no

appointment has been issued in their favour.

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.

14. The Division Bench of this Court in the case of

**Neelesh Shukla & Ors.(supra)** has held that the Diplomas, certificates issued by respondent/University with a seal and signature of the Competent Authority of the University is valid.

15. In the present case, the certificate which is issued to the petitioners, it bears seal and signature of the Competent Authority of the University and, therefore, as per the aforesaid judgment, it is valid. The respondent no.4/University has power to issue the certificate of various Diploma courses such as granting granting Diplomas and granting certificates for various courses. That, in the advertisement also, it is not mentioned that the candidates are required to produce certificate of PGDCA from the recognized University.

16. Thus, in the light of the aforesaid, I allow this writ petition and direct the respondents to re-consider the case of the petitioners for appointment on the post of Accountant, within a period of three months from the date of receipt of certified copy of the order and if they found the petitioners eligible then appointment order shall be issued in their favour.

17. With the aforesaid, the writ petition stands disposed of.

**(Ms. Vandana Kasrekar)**  
**Judge**

