

IN THE HIGH COURT OF KARNATAKA, BENGALURU

DATED THIS THE 27TH DAY OF JUNE, 2016

BEFORE

THE HON'BLE MR. JUSTICE S ABDUL NAZEER

WRIT PETITION NO.34255 OF 2016 (GM-RES)

Between:

Karnataka State Open University
Mukthagangothri
Mysuru – 570 006
Rep. by its Registrar.

... Petitioner

(By Sri.P.S.Rajagopal, Sr. Counsel for
Sri.T.P.Rajendra Kumar Sungay, Adv.)

And:

1. State of Karnataka
Department of Higher Education
(Universities)
M.S.Building, Bengaluru – 560 001
Rep. by its Principal Secretary.
2. Karnataka Public Service Commission
Office of KPSC, Udyogasoudha
Bengaluru – 560 001
Rep. by its Secretary.

3. University Grants Commission
Bahadur Shah Zafar Marg
New Delhi – 110 002
Rep. by its Secretary.

... Respondents

(By Sri.Y.D.Harsha, AGA for R1,
Sri.Reuben Jacob, Adv., for R2,
Sri.Krishna S. Dixit, Adv., for R3)

This writ petition is filed under Articles 226 & 227 of the Constitution of India, praying to direct the R2 to consider the cases of students who have obtained the decrees from the petitioner university for various public appointments by considering the representations dtd.25.5.2016 vide Annx-W and dated 30.5.2016 vide Ann-X submitted by the petitioners including to the posts of first and second division assistants vide notification dtd.30.06.2015 vide Ann-U and etc.,

This writ petition coming on for further orders this day, the Court made the following:

ORDER

I have heard the learned Counsel for the parties.

2. Karnataka State Open University has filed this writ petition seeking for issue of a writ of mandamus directing the second respondent to consider the candidature of the students who have obtained degrees

awarded by the petitioner-University for all its recruitments.

3. The second respondent has issued a notification at Annexure-U dated 30.6.2015, inviting applications from the eligible candidates for appointment to the posts of Assistants/First Division Assistants.

4. The apprehension of the petitioner-University is that the second respondent-KPSC may reject the applications of the candidates, who have obtained the degrees from the petitioner-University.

5. Sri.Krishna S.Dixit, learned standing Counsel appearing for respondent No.3 submits that the candidates, who have joined the petitioner-University upto and including the academic session 2012-13, their degrees are recognized and it is immaterial when they have actually completed the degrees.

6. The submission of the learned counsel for respondent No.3 is consistent with the stand taken by the UGC in W.P.No.52452/2015 and the order of this Court in W.P.No.8638/2016 dated 3.3.2016.

7. Therefore, the second respondent is not justified in rejecting the applications of the candidates, who have obtained the degrees from the petitioner-University. It is sufficient if the candidates have joined the petitioner - University upto and including the academic session 2012-13 and the date of completion of the degree is immaterial. However, no opinion is expressed in relation to the validity of the degrees obtained by the students by joining the petitioner-University for the academic session 2013-14 onwards.

8. Learned Counsel appearing for the second respondent/KPSC submits that in view of the interim order

passed by this Court, the applications of the candidates, who have obtained degrees from the petitioner/University are being considered.

9. In view of the clarification by the UGC as above, the second respondent is directed to consider the applications of the candidates, who have joined the petitioner-University upto and including the academic year 2012-13 and obtained degrees for the posts of Assistants/First Division Assistants in accordance with law. Writ petition is accordingly allowed. No costs.

**Sd/-
JUDGE**

SA