

Telangana High Court

Sunkishela Dheeraj vs State Of Telengana And 4 Others on 27 February, 2023

Bench: K.Lakshman

HON'BLE SRI JUSTICE K. LAKSHMAN

WRIT PETITION No.1995 OF 2023

ORDER:

Heard M/s. Lakshmi Kumaran Sridharan, learned counsel for the petitioner, learned Asst.Govt.Plerader for Higher Education, Smt. C.Vani Reddy, learned standing counsel appearing for 2nd respondent Smt. Pasham Sujatha, learned standing counsel appearing for 3rd respondent. Despite service of notice, there is no representation on behalf of respondent Nos.4 and 5. Perused the record.

2. This writ petition is filed to declare the action of respondent Nos.2 to 4 in rejecting/cancelling of admission of the petitioner into MBA Course for the Academic years 2022-23 and 2023-24 without providing any valid reason or speaking orders as illegal.

FACTS OF THE CASE:

3. The petitioner enrolled himself for in Bachelors in Commerce (B.Com) course, in Open and Distance Learning (for short "ODL") mode for the Academic Years 2019-20 to 2021-22, from 5th respondent University/Gandhi Institute of Technology and Management (for short, "GITAM") which is a deemed to be university under Section 3 of the University Grants Commission Act, 1956 KL,J W.P. No.1995 of 2023 ("UGC Act"). ID No. A19BC1535007 was assigned to him by 5th respondent. Centre for Distance Learning (CDL), GITAM, has been recognized by the Distance Education Bureau (for short, 'DEB'), New Delhi, for Gandhinagar Campus, Rushikonda, Visakhapatnam, Andhra Pradesh. The Petitioner is a bona fide learner of B.Com degree in the said centre. He has rigorously followed all the courses modules appearing in and passing all the mandatory examinations held on various dates in September 2020 (1 Year), August 2021 (II Year), and June 2022 (III Year). Finally, he has obtained B.Com., Degree from Respondent No.5, in July 2022. He has secured First Class with CGPA of 7.92.

4. With an intention to pursue higher studies, he has appeared for the Telangana State Integrated Common Entrance Test, 2022 (for short 'TSICET-2022') conducted by Telangana State Council of Higher Education, Hyderabad (for short, 'TSCHE')/ Respondent No. 2, in July 2022 to get admission in Master's degree in Business Administration (MBA). He got 59010 rank. He was admitted into 4th respondent-College. The petitioner was declared eligible for admission in MBA Degree by 2nd respondent. Vide proceedings dated KL,J W.P. No.1995 of 2023 13.10.2022, 2nd respondent declared the petitioner as eligible for MBA Course.

5. According to the petitioner, since he was not allowed seat through the provisional allotment under TSICET-2022, on the basis of the eligibility declaration issued by 2nd respondent along with supporting documents, he has applied for MBA Course in 4th respondent - College in Management Quota. He has submitted all the required certificates with the 4th respondent - College. Thereafter,

he was verbally informed by 4th respondent that he has received admission for the course and to make part payment towards the fee in order to attend classes and accordingly he has paid the fee. All of a sudden, he has received whatsapp message on 23.12.2022 from 4th respondent stating that his admission in MBA Course is rejected in High Education, Hyderabad. The reason for such rejection was mentioned as want of a bona fide study certificate from study centre.

6. Thus, according to him, his admission was cancelled by respondent Nos.2 and 4 without following due procedure laid down under law and it is in violation of Article 14 of the Constitution of India. According to him, he has completed B.Com, from 5th KL,J W.P. No.1995 of 2023 respondent - University through ODL and he is eligible to appear TSICET,22. Considering the said facts only, 4th respondent admitted the petitioner in MBA course and he has paid requisite fee. 2nd respondent cannot cancel the admission of the petitioner in MBA course unilaterally and the same is arbitrary and illegal. Last date for payment of examination fee is 28.02.2023. With the said submissions, he sought to declare the action of respondent Nos.2 to 4 in cancelling admission of the petitioner in MBA course as illegal.

7. On the other hand, 2nd respondent had filed counter contending as follows:-

i. The petitioner having been admitted into B.Com Course under ODL programme should have been attached to a study centre of CDL for Advising, Counseling, Vocational guidance, Library Services and providing interface between the teacher and the learner rendering academic, any other related services and assistance like field experience, Lab experimental work, information communication technology facilities for operations and interaction etc., for the benefits of learner. ii. The petitioner without experience of all these facilities without attending to any study centre out of the territorial jurisdiction of the institute awarding the degree by such institute is not feasible.

KL,J W.P. No.1995 of 2023 iii. 5th respondent institute having permission to run the ODL, it cannot open the off campuses/Centre out of the territorial jurisdiction. Therefore without any off campus, awarding the degree by the said institute is not proper and same is against the UGC Regulations. Therefore, the petitioner cannot claim such degree as valid for admission into MBA course. iv. 5th respondent is having only one study center located at Visakhapatnam and without any faculties, dispatching the material from Visakhapatnam and appearing the exam through online does not mean that petitioner is having a valid degree. Therefore it cannot be said that the degree obtained is a bona fide.

v. 2nd respondent permitted the petitioner to appear for the entrance test without pre-verification of the certificates or documents as per the eligibility prescribed in the G.O.Ms. No.25, dated 19.3.2004 and subsequent amendments.

vi. The Commissioner of Technical Education was the Convener appointed by the Council as in-charge of admissions who verified the documents of the petitioner on 13.10.2022 after TSICET-22 results were announced with regard to his eligibility for admission as per G.O.Ms.No.59, dated 26.05.2006 and subsequent amendments.

vii. After verification of the certificates, petitioner has not satisfied all the academic requirements stipulated for admission into MBA course.

KL,J W.P. No.1995 of 2023 viii. 2nd respondent is the authority for granting approval for admission made under Category - B seats (Management quota) by the Managements of Private Un-Aided MBA College, as announced guidelines for filling up the Seats) for the academic year 2022-23 on 29.10.2022.

ix. The petitioner submitted application for admission into MBA in 4th respondent - College in Management Quota and paid admission fee prescribed by the respondent - College in October, 2022 and attended the classes on oral instructions of the Management.

th x. It is the responsibility of the 4 respondent-College to verify the eligibility of the petitioner in MBA course as per the guidelines issued by the TSCHE following the Government Orders related to admission of the petitioner who obtained the degree through ODL programme whereby he was required to submit the name of the study centre from where he obtained guidance for ODL studies for the period 2019-2022.

xi. The petitioner having submitted an undertaking to the college that his admission will be cancelled if he found ineligible. Therefore not accepting the rejection of his admission on the ground of not having the valid degree, is not proper, xii. Unless the petitioner clarifies the name and location of study centre, it is not possible to know whether the petitioner abided by the UGC/ODL Regulations 2013/2017 which stipulates that a candidate has to study only in such a study centre located within jurisdiction of the deemed to be university of respondent No. 5.

KL,J W.P. No.1995 of 2023 xiii. The petitioner will become eligible for award of degree, if he obtained guidance for studies from a study centre of respondent No.5 that is located within its jurisdiction. xiv. The petitioner has not furnished any documentary evidence in support of this information. The Scrutiny Committee of Respondent No.2 on verification of eligibility of petitioner found that the name and location of study centre was not provided along with admission list submitted by 4th respondent-College for grant of approval of admission.

xv. The UGC/ODL Regulation, 2017 also stipulated that a deemed to be university shall operate only within its headquarters or from those off-campus centre which are approved by GOI. It cannot offer courses through ODL mode from the study centre located in other states beyond its territorial jurisdiction. xvi. The Convener has taken up the verification of admission of the petitioner along with other students admitted into respondent No.4-College as per Rules and procedure laid down in the G.Os. and the Management of the College having come to know about the deficiency from Convener regarding the qualification acquired by the petitioner, has admitted the petitioner who was ineligible for admission into MBA course. Thus, the petitioner found not satisfied the prescribed eligibility criteria for admission under Management Quota into MBA course into 4th respondent-College for Academic Year 2022-23 on verification of the certificates of the petitioner furnished by 4th respondent - college.

KL,J W.P. No.1995 of 2023 xvii. With the said submissions, 2nd respondent sought to dismiss the present writ petition.

8. The aforesaid rival contentions would reveal that there is no dispute that the petitioner herein had completed B.Com Degree through ODL mode for the Academic Years 2019-2020 to 2021-2022 from 5th respondent-University which is a deemed to be university. There is also no dispute that 5th respondent-University is having approval to offer programme through Open and Distant Learning (ODL) mode for the Academic Year 2019-20. Notification vide F.No.74-2/2018(DEB-I) of November, 2019 issued by UGC also would reveal the said fact. In the list, the name of 5th respondent- University is at Serial No.2. Type of Higher Education Institution (HEI) is mentioned as deemed to be university.

9. It is also relevant to note that in the said notification itself, there is specific mention that 5th respondent - University has to offer programme through ODL mode with submission of affidavits that they shall scrupulously abide by the terms and conditions as stipulated under UGC(ODL) Regulation 2017 and its amendments and norms issued by the statutory bodies/Councils from time to time. It is also specifically mentioned that 5th respondent being HEI should ensure KL,J W.P. No.1995 of 2023 that the duration and nomenclature of the degrees is strictly as per the UGC notification on specification of Degrees. All Category-1 HEIs should upload all the details ensuring compliance to the relevant clauses of UOC(ODL) Regulations, 2017 and its amendments, on their website and also submit the affidavit to UGC as per decision taken by the Commission in its 538th meeting held on 29.01.2019. The HEIs shall strictly abide by all the provisions contained in the UGC/ODL Regulations, 2017 and its subsequent amendments. The period of entitlement of Category-I HEIs to offer programmes through ODL mode shall be as per provisions stipulated under Clause 6 of the UOC (Categorization of Universities Only for grant of Graded Autonomy) Regulations, 2018. Thus, 5th respondent being HEI shall strictly abide by the UGC/(ODL) Regulations, 2017.

10. It is relevant to refer certain definitions of the aforesaid UGC/ODL Regulations, 2017 issued by UGC vide notification F.No.2-4/2015 (DEB-III) and the same are extracted as follows:- i. 2 (i): "Higher Education" means such education, imparted by means of conducting regular classes or through distance education systems, beyond twelve years of schooling leading to the award of a Degree or Certificate or Diploma or Postgraduate Diploma;

KL,J W.P. No.1995 of 2023 ii. 2(j): "Higher Educational Institutions" means a university covered under clause (f) of section 2 and an institution deemed to be a university covered under section 3 of the University Grants Commission Act, 1956 which is imparting by means of conducting regular clauses of through Open and Distance Learning systems, higher education or research therein;

iii. 2(k): "Learner Support Centre" means a centre established maintained or recognized by the Higher Educational Institution for advising, counselling, providing interface between the teachers and the learners, and rendering an academic and any other related service and assistance required by the learners:

iv. 2(l): "Learner Support Services" means and includes such services as are provided by a Higher Educational Institution in order to facilitate the acquisition of teaching-learning experiences by the learner to the level prescribed by or on behalf of the Commission in respect of a programme of study.

v. 2(m): "Open and Distance Learning" mode means a mode of providing flexible learning opportunities by overcoming separation of teacher and learner using a variety of media, including print, electronic, online and occasion interactive face-to-face meetings with the presence of an Higher Educational Institution or Learner Support Services to deliver teaching- learning experiences, including practical or work experiences.

11. Part-II of the said Regulations deals with re-cognition of Higher Educational Institution for Open and Distance Learning Programmes. As per Regulation No.3, the HEI, while submitting application has to fulfill certain conditions including faculty, KL,J W.P. No.1995 of 2023 infrastructure, preparedness for establishing Learner Support Centres, providing Learning Support Services, establishing centre for Internal Quality Assurance, availability of the academic and other staff in the Unit and Learner Support Centres of the Higher Education, availability of the qualified Counselors in the Learner Support Centres meeting such standards of competence as specified in Annexure-V, and the administrative arrangements for supportive services for effective delivery of ODL.

12. Regulation No.8 deals with Quality Assurance, Regulation No.9 deals with Teachers and Academic staff working in HEI, Regulation No.12 deal with Admission and Fee and Regulation No.14 deals with Learner Support Centre, Regulation No.15 deals with Learner Support Services and Regulation No.16 deals with Assessment, Accreditation and Audit which are relevant for the purpose of present case and the same are extracted below:-

Regulation No.14: Learner Support Centre:-

1. A Higher Educational Institution offering programme in Open and Distance mode shall, with in one year from the date of commencement of these regulations, ensure that a Leacher Support Centre is established only in a college or institution affiliated to a University or in a government recognized Higher Educational Institution offering program in the same broad areas having the KL,J W.P. No.1995 of 2023 necessary infrastructure and human resources for offering the programme.

Provided that Higher Educational Institution may establish a special Learner Support Centre for imparting instructions to person referred to is the person with Disabilities (Equal Opportunities. Protective of Rights and Full Participation) Act, 1995, the National Trust for Welfare of Persons with Autism, Cerebral Palsy. Mental Retardation and Multiple Disability Act 1999 and other persons in difficult circumstances, including jail inmates:

Provided further that a Learner Support Centre shall not be set up under a franchisee agreement in any case.

2. A Learner Support Centre shall be the contact point or centre managed by the Higher Educational Institution for providing academic as well as administrative support to its learners, and shall perform such other functions as spec Annexure X.

3. The Learner Support Centre shall be headed by a Coordinator who shall be a regular teacher not below the rank of a qualified Assistant Professor of the concerned College or Higher Educational Institution and assisted by the counselors as decided by the Higher Educational Institution.

(4) The Higher Educational Institution shall have a Standard Operating Procedure for the smooth functioning of Learner Support Centre which shall include functions of the Learner Support Centres and its different functionaries monitoring mechanism of different services provided by the Centre, and it shall be mandatory for the Learner Support Centre to maintain the learner data related to conduct of counseling sessions, evaluation of assignments and grievance redressal.

15. Learner Support Services-

(1) A Higher Educational Institution offering programmes in Open and Distance Learning mode shall have guidelines for the Learner Support Services which is made available to all Learner Support Centres and accessible to the learners, (2) The Learned Support Services to be provided by the Higher Educational Institution shall include the following namely:-

KL,J W.P. No.1995 of 2023 i. pre-admission counselling for prospective learners to provide information to facilitate them in taking an informed decision on joining a specific programune;

ii. support for admission related matters iii. details of study material and information shall also be available on the website of the Higher Educational Institution, iv. arrangement to ensure the delivery of study material to learners within a fortnight from the date of admission, v. A full time dedicated help desk well versed with the learner information data base providing single window services for all learner related queries (3) The University Grants Commission (Grievance Redressal) Regulations, 2012 shall be adopted and operationalized by the Higher Educational Institution, and the Higher Educational Institution shall institute a system of Grievance Redressal, in accordance with the guidelines specified in Annexure XI. (4) The Higher Educational Institution shall provide facilities for on-line guidance and counselling facilities to the learners. (5) The Higher Educational Institution shall create "on-line" discussion forum for learners (6) The 'Self Learning Material" in printed form shall be provided compulsorily to the learners and in addition, the Educational Institution may provide additional learning resources through on- line mode, Compact Disks etc. Regulation 16 deals with Assessment, Accreditation and Audit:- (1) A Higher Educational Institution offering programmes in Open and Distance Learning mode shall comply with my Grants Commission (Mandatory Assessment and Accreditation of Higher Educational Institutions) Regulations, in any case shall apply for assessment and accreditation under those regulations for assessment and accreditation of the programmes offered by it in Open and Distance Learning mode KL,J W.P. No.1995 of 2023 Provided that this sub-regulation shall not be applicable to Open Universities till the time they become eligible for Assessment and Accreditation Council

accreditation shall be mandatory for Open Universities to get National Assessment and Accreditation Council accreditation within one year of their becoming eligible for the same.

(2) A Higher Educational Institution recognized under these regulations for imparting programmes in Open and Distance mode shall get all its programmes assessed through the Centre for Internal Quality Assurance once in a year in the prescribed by the Commission and the report on quality assurance shall, before the end of the academic year, be prominently placed on its website and a copy furnished to the Commission.

Annexure-1 of the said Regulations, deals with Centre for Internal Quality Assurance (CIQA). Annexure-II deals with Quality Monitoring Mechanism. Clause (g) of the Annexure-II deals with Assessment and Evaluation which reads as follows:-

(g) Assessment & Evaluation Learning outcomes are the specifications of what a Learner shall learn and demonstrate on successful completion of the course or the programme. It can also be seen as the desired outcome of the learning process in terms of acquisition of the skills and knowledge. They are embedded in the curriculum. Achieving Learning Outcomes needs specific experiences to be provided to the Learner and evaluation of their attainment The institution needs to ensure that the purposes of assessment are clearly described in the course materials, and the learners are able to access some of the assignments. A program that states Learning Outcomes that are not evaluated or assessed gets neglected in implementation. Hence all stated Learning Outcomes must be part of the evaluation protocol of the programme. Learner assessment provides an indication of the areas where learning has happened and where it has to be improved upon. The Higher Educational Institutions shall execute the assessment and evaluation through varied assessment tools including multiple choice questions, projects, reports, case studies KL, J W.P. No.1995 of 2023 presentations, and term-end examinations, to suit the different learning outcomes expected of the course elements. The Higher Educational Institutions shall have proper assessment and moderation system for assessing the learning outcomes of the learners.

(h) Teaching Quality and Staff Development.

The Higher Educational Institutions shall have a well established structure for promoting quality counseling and provide staff development programmes and activities to encourage academic staff to improve teaching and Higher Educational Institution should provide the support for the academic staff in understanding and implementing the institutional learning outcomes and subject learning outcomes. The Institution also needs to ensure that the academic staff is conversant with formative and summative assessment procedures and their importance in the learning process.

Annexure-V deals with Competencies of Counselor in a Learner Support Centre. Annexure-VI deals with Academic and Infrastructure Requirements. Annexure-IX deals with guidelines and programme Project Report (PPR).

Annexure-X deals with Learner Support Centre. It is specifically mentioned that Higher Education Institutions shall not carry out any of its activities related to the ODL mode at places other than Study Centers or Learner Support Centres under a different name such as Information Centre, Facilitation Centre, Nodal Centre, Knowledge Partner, Partner Institution, Multimedia Centres and similar such names. "Provided further that, no Study Centre or Learner Support Centre shall be established beyond the jurisdiction of the Higher Educational Institution or under any franchisee or outsourcing KL,J W.P. No.1995 of 2023 agreement, as described in these regulations" Thus, 5th respondent- University has to strictly adhere to the aforesaid Regulations issued by the UGC.

13. It is also relevant to note that as held by the Apex Court in Prof.Yashpal Vs. State of Chattisgarh¹, 5th respondent is not authorized to open Study Centre/off Campus Centre beyond the territorial jurisdiction of the State. Thus, according to the petitioner, 5th respondent is having only one Study Centre/Off Campus Centre, Gandhi Nagar, Rushikonda, Visakhapatnam Andhra Pradesh. Therefore, it is not having any other open study centre/off campus centre.

14. According to the petitioner, he has joined with 5th respondent-University in B.Com, through ODL mode for the Academic Year 2019-20 to 2021-22. He has not mentioned in the entire affidavit whether he was attached to aforesaid off-campus centre of 5th respondent situated at Gandhi Nagar Campus, Rishikonda, Visakhapatnam. According to him, he received study material from 5th respondent and attended examinations at 2005 (5) SCC 420 KL,J W.P. No.1995 of 2023 Visakhapatnam. There is no mention in the entire affidavit that he was attached to the said centre.

15. In the certificate filed by the petitioner issued by 5th respondent, it is specifically mentioned that the petitioner has admitted in B.Com, Degree for the Academic Years 2019-2020 to 2021-22, by his ID No.A19BC1535007 in the Centre for Distance Education, GITAM (Deemed To Be University), Visakhapatnam. He completed his examination at Gandhi Nagar (deemed to be university) in June, 2022. In the said certificate, there is no mention about the petitioner availing any facility such as advising, Counseling Vocational guidance, Library Services and providing interface between the teacher and the learner rendering academic, any other related services and assistance like field experience, Lab experimental work, information communication technology facilities for operations and interaction etc., for the benefit of learner. The petitioner has to experience the said facilities as per the UGC guidelines. Without any study centre, without the petitioner experiencing aforesaid facilities, he is not entitled to obtain decree.

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16. It is relevant to note that 2nd respondent has filed a detailed counter contending the said fact. The petitioner herein has not filed any reply denying the said contentions of 2nd respondent in the counter affidavit and he has filed a memo vide USR No.21282 dated 23.02.2023.

17. During the course of hearing, learned counsel for the petitioner on instructions, submitted that the petitioner received study material from off-campus Centre of 5th respondent situated at Visakhapatnam and appeared examination at Visakhapatnam. He has not availed the aforesaid experience and facilities by participating in the learner Support Centre in terms of UGC Regulations in the aforesaid off-campus centre of 5th respondent situated at Gandhi Nagar, Rishikonda, Visakhapatnam. Certificate dated 31.02.2021 issued by 5th respondent would also disclose the said fact.

18. However, in the memo, dated 23.02.2023, he has stated that through the said centre or learner Support Centre at the headquarters of 5th respondent, it has provided all the facilities to which he has access. It is further stated that website of 5th respondent also states as to how the learner support services are provided i.e. study material, KL,J W.P. No.1995 of 2023 video lessons and Library. There is no mention in the entire writ affidavit or in the memo dated 23.02.2023, that the petitioner herein had availed the said facilities.

19. In the memo, it is contended by the petitioner that the contention of the 2nd respondent that because the study centre of the 5th respondent is in Visakhapatnam, petitioner is resident of outside of Visakhapatnam, he did not attach to the study centre, the said conclusion would result in the interpretation that only residence of Visakhapatnam can take admission in the respondent's ODL Programme which is completely baseless and make the ODL Regulation futile. The said contention of the petitioner is unsustainable. As rightly contended by the petitioner though he is not resident of Visakhapatnam, he can take admission in 5th respondent University, but he has to comply with UGC Regulations, 2017 with regard to ODL which the petitioner herein failed to comply with. Therefore, the question of 2nd respondent seeking clarification with regard to study centre of 5th respondent in respect of petitioner does not arise.

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20. As discussed supra, 5th respondent cannot open off-campus centre outside its territorial jurisdiction as per the principle laid down by the Apex Court in Professor Yashpal (supra). There is no dispute that 5th respondent is having only one off-campus centre at Visakhapatnam. The issue is that petitioner has to complete his degree strictly in accordance with UGC Regulations on ODL which the petitioner has not complied with. Therefore, the petitioner herein cannot blow hot and cold together to cover up his laches.

21. Referring to application for recognition of courses/ programmes to be offered in ODL mode by 5th respondent more particularly Annexure-VIII, learned counsel for the petitioner would submit that all the programmes consists of printed course material , face to face interaction (weekend/personal contract programmes), assignments and select video lectures, learners can also interact with the CDL through telephone (landline/mobile) visiting website of the CDL and directly with the staff. The said application is of the year July, 2021 whereas the petitioner has taken admission during the academic 2019-2020. Therefore, the same is not applicable. Moreover, in the entire affidavit and in the memo filed by the petitioner dated KL,J W.P. No.1995 of 2023 23.02.2023 petitioner did not mention about the availing the aforesaid facilities by attaching to off-campus

centre of 5th respondent situated at Visakhapatnam.

22. It is relevant to note that vide public notice dated 13.09.2021, UGC debarred/banned 5th respondent from offering ODL and online programme for one year on the ground that 5th respondent is not adhering to the Regulations and admitting students in violation of the provisions of previous and current Regulations. The details of the Regulations were also specifically mentioned. The aforesaid facts would reveal that the petitioner has not availed the aforesaid facilities and he has not experienced the same to complete B.Com Course through ODL mode.

23. It is also relevant to note that B.Com Course consists of important subjects such as Accountancy and Commerce etc., which involves learning skills and the petitioner has to avail the said facility by appearing in off-campus Centre of 5th respondent or at least Video lessons. Even as per the petitioner's contention that the website of 5th respondent states as to how the learned support centres are provided and it says to supplement the print material, 5th respondent prepares KL,J W.P. No.1995 of 2023 video lessons. But petitioner failed to state whether he has availed the said facility. Thus, the petitioner herein has not experienced the said facilities. Therefore, the decree obtained by the petitioner from 5th respondent -College is without experiencing the aforesaid facilities by attending the off-campus centre of 5th respondent is not valid.

24. There is no dispute that the petitioner herein appeared TSICET, 2022 examination held on 30.03.2022 and he got 59010 rank. The eligibility criteria in order to seek MBA admission is as follows:-

a) Should have passed recognized Bachelors Degree (B.A./B.Com/B.Sc/ BBA/ BM/BCA/BE/B.Tech/B.Pharmacy and any 3 or 4 year degree except Oriental Languages) examination of minimum 3 years duration with at least 50 per cent marks (45 per cent marks in case of reserved categories) in the qualifying examination.

c) The qualifying degree obtained by Distance Mode Program/Open Distance Learning (ODL) should have recognition by Joint Committee of UGC, AICTE and DEC/DEB as per UGC Regulations of 2013.

25. In the present case, the petitioner herein is not having aforesaid eligibility criteria since he obtained B.Com Degree from 5th respondent without experiencing the aforesaid facilities by way of attending off-campus centre of 5th respondent situated at Visakhapatnam.

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26. It is relevant to note that according to him, he has approached 4th respondent college in order to request to provide admission to him in B-Category i.e. Management Quota in MBA course. He has submitted all the relevant documents. 4th respondent College verbally informed him that he has received admission for MBA course and requested the petitioner to pay the admission fee etc. He had also submitted undertaking to 4th respondent declaring that his admission may be cancelled at any stage if he is found ineligible or the information provided by him is found to be incorrect. He has

also paid fee. Therefore, he has undertaken that if the information provided by him, is found incorrect and he is found ineligible to get admission into MBA course, the same should be cancelled.

27. It is the specific case of 2nd respondent that the Commissioner Technical Education was Convener appointed by 2nd respondent was in charge of admissions. He has verified the documents of the petitioner on 13.10.2022 after announcement of results of TSICET-22. He is found ineligible in terms of G.O.Ms.No.59, dated 26.05.2016. 4th respondent has admitted the KL,J W.P. No.1995 of 2023 petitioner without verifying the eligibility criteria. Therefore, the said fact was informed to the petitioner by 2nd respondent Council.

28. As stated supra, though 2nd respondent had filed counter contending that the petitioner herein is not eligible to admit into MBA, he has not filed any reply except filing memo. Therefore, according to this Court, the petitioner is not eligible to provide admission into MBA course and therefore, he is not entitled for any relief much less relief sought in the present writ petition. Therefore, the same is liable to be dismissed.

29. It is also relevant to note that the petitioner herein vide letter dated 19.01.2023 requested 3rd respondent to furnish equivalent certificate equal to ODL course, from deemed to be university, Visakhapatnam, B.Com. degree. As discussed supra, the petitioner herein is not entitled to the said equivalent certificate. Therefore, he is not entitled for admission.

30. Therefore, the writ petition is dismissed.

KL,J W.P. No.1995 of 2023 As a sequel, miscellaneous petitions, if any, pending in the Writ Petition, shall stand closed.

_____ K. LAKSHMAN, J Date:27.02.2023.

Note: Issue C.C.today.

b/o. Vvr.