

VINAY KUMAR VS UNION OF INDIA AND OTHERS.

Present: Mr.Jitinder Singh Chahal, Advocate,
the petitioner.

J.S.KHEHAR, J (ORAL)

Through the instant writ petition, the petitioner desires to impugn the order dated April 21, 2005 whereby the petitioner has been informed by the Indira Gandhi National Open University, School of Engineering and Technology (for short IGNOU-DGS), that he is ineligible for admission for the DNS Programme on account of the fact that he had qualified the 10+2 examination from Doon International University, Raipur, Chhattisgarh. The validity of the qualifications acquired by students from Doon International University, Raipur, Chhattisgarh came to be considered by the Supreme Court in Prof. Yashpal and another Vs. State of Chhattisgarh and others., Judgments Today 2005(2) SC 165, wherein the Supreme Court has held that Sections 5 and 6 of the Chhattisgarh Niji Kshetra Vishwavidyalaya (Sthapana aur Viniyaman) Adhiniyam 2002, as ultra vires. It has also quashed the status of University granted to the Doon International University. In fact Doon International University, Raipur, Chhattisgarh was held to be a bogus university. In view of the judgment rendered by the Supreme Court in Prof. Yashpal's case (supra), it is not possible for us to find any infirmity in the impugned order dated April 21, 2005 whereby the

INNOU-DGS has rejected the claim of the petitioner only on account of the fact that the petitioner had acquired his qualification from the aforesaid university and that the same had been declared as null and void by the Supreme Court. It would be unfair to the learned counsel for the petitioner if we do not take into consideration the submissions advanced by him, based on the following observations made by the Supreme Court in Prof Yashpal's case (supra):-

“In order to protect the interests of the students who may be actually studying in the institutions established by such private universities, it is directed that the State Government may take appropriate measures to have such institutions affiliated to the already existing State universities in Chhattisgarh. We are issuing this direction keeping in mind the interest of the students and also Sections 33 and 34 of the Act, which contemplate dissolution of the sponsoring body and liquidation of a university whereunder responsibility has to be assumed by the State Government. It is, however, made clear that the benefit of affiliation of an institution shall be extended only if it fulfills the requisite norms and standards laid down for such purpose and not to every kind of institution. Regarding technical, medical or dental colleges, etc. affiliation may be accorded if they have been established

after fulfilling the prescribed criteria laid down by the All India Council of Technical Education, Medical Council of India, Dental Council of India or any other statutory authority and with their approval or sanction as prescribed by law.”

We are also satisfied that this Court has no jurisdiction to entertain the controversy in hand on account of the fact that none of the respondents are located within the territorial jurisdiction of this Court and also because neither the cause of action nor any part thereof arises within the territorial jurisdiction of this Court.

Dismissed.

(J.S.KHEHAR)
JUDGE

(NIRMAL YADAV)
JUDGE

May 31, 2005.
Malik