

**HIGH COURT OF JAMMU AND KASHMIR AT JAMMU**

SWP No.692/2011

CMP No. 1003/2011

**Date of Decision : 29.03.2012**

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Zeenat Zehra

v.

State of J&K and ors.

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**Coram:-**

**Mr. Justice J. P. Singh.**

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| i)  | <b>Whether to be reported in<br/>Press/Media</b>     | <b>Yes</b> |
| ii) | <b>Whether to be reported in<br/>Digest /Journal</b> | <b>Yes</b> |
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Appearing counsel:

For the Petitioner(s) : Mr. O.P.Thakur, Advocate

For the Respondent(s) : Ms. Shaista Hakim, Dy.AG.  
Mr. F.S.Butt, Advocate.

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Mst. Zeenat Zehra is aggrieved by her placement at serial No.2 in the Panel prepared for selection of Rehbar-e-Taleem in Upper Primary School, Chanderkote-Kunfer against vacancy in Science Stream. Though with lower percentage of marks in 10+2, as compared to that of Tabassam Ara-respondent No.5, the petitioner claims her placement at serial No.1 of the Panel on the ground that the additional qualification of **Fazil-I-Urdu** obtained by her from Jamia Urdu Kashmir, stated recognized by Aligarh Muslim University and Moulana Azad National Urdu University and equivalent to Graduation, makes her better in merit to the respondent.

Her Claim is contested by the State-respondents and the contesting respondent, *inter alia*, on the ground that qualification of Fazil-I-Urdu acquired by the petitioner

from Study Centre Batote (J&K) cannot be recognized as equivalent to Graduation in view of the UGC guidelines and the decision of University of Jammu in terms whereof, any Course undergone at Study Centres/Franchises of any University except IGNOU is not recognized as valid Degree and her Claim for placement at serial No.1 on the basis of unrecognized additional qualification was untenable. It is further indicated that University of Jammu does not treat or recognize **Fazil-I-Urdu** as equivalent to Graduation of a recognized University.

I have perused the documents placed on records by the parties and considered the submissions of their learned counsel.

Before dealing with the issue that arises for consideration in the Petition, as to whether or not qualification of **Fazil-I-Urdu** was equivalent to Graduation, reference needs to be made to the University of Jammu's Response to Zonal Education Officer, Batote's Communication dated 29.06.2011, in the present case, whereby the Registrar (Academics) University of Jammu had been requested for clarification regarding qualification of **Fazil-I-Urdu** acquired from Jamia Urdu Kashmir and its equivalence with Graduation, and Registrar University of Jammu's clarification to Director School Education, Jammu as to whether the qualification of Adeeb-E-Kamil was equivalent to Graduation (B.A.).

University of Jammu's Response to the clarification sought for by the Zonal Education Officer reads as follows:-

“UNIVERSITY OF JAMMU

No.F.Acd/II-A/11/4297-99

Dated:26-07-2011

The Zonal Education Officer,  
Batote.

**Sub: Request for clarification regarding qualification acquired from Jamia Urdu Kashmir i.e. Fazal I Urdu equivalent to Graduation.**

Sir,

In reference to your Office letter No.EZB/SSA/2011-12/86-88 dated 29/06/2011 on the subject cited above, it is to inform you that the University of Jammu recognizes the degrees of only those Universities which are the members of the Association of Indian Universities (AIU), New Delhi and are recognized by the University Grants Commission(UGC) but derecognizes the degrees obtained through Study Centres/Franchises of any University in the country except IGNOU vide notification No.F.Acd/V/05/128/6368-5617 dated 05.10.2005. Jamia Urdu Kashmir does not figure in the Handbook of Information of Member Universities 2010, supplied by the Association of Indian Universities (AIU), New Delhi. Moreover, the candidate, namely, Zeenat Zehra has passed Fazal-I-Urdu Course from the Study Centre after issuance of the above referred notification, as such the said Course cannot be recognized and equalized to Graduation.

Yours faithfully,

Sd/-

SECTION OFFICER(ACAD)

Copy for information to the:-

1. Director, School Education, Jammu
2. Chief Education Officer, Ramban”

Assistant Registrar, University of Jammu’s  
Communication to Joint Director, Directorate of School  
Education is as follows:-

“Kindly refer to your letter NO.DSEJ/W/11049 dated 14.9.2005 on the subject cited above. In this connection, it is to inform you that the examination “Adib Kamal” of Jamia Urdu Aligarh was treated as equivalent to “Adib Fazil” of this University and after passing of Adib Fazil from this University a candidate has to appear and qualify under completion category three subjects except Persian in B.A. Part-I, II & III to be treated as equivalent to graduate of this University”

Perusal of the above two Communications reveals that petitioner’s qualification of Fazil-I-Urdu obtained from Jamia Urdu Kashmir after completing Course from Study Centre Batote, cannot be recognized as valid qualification for any purpose whatsoever in the State of Jammu and Kashmir in view of the University Grants Commission’s guidelines and the decision of the University of Jammu referred to in Communication dated 26.07.2011.

This apart, the petitioner having not appeared and qualified three subjects under completion category after

completion of Fazil-I-Urdu, cannot even otherwise claim to have acquired valid additional qualification of B.A even if her qualification of Fazil-I-Urdu were to be treated as valid qualification.

At this stage it needs to be noticed that even the Government of Jammu and Kashmir has issued various clarifications/circulars against recognition of qualification of Fazil-I-Urdu and Adeeb-E-Kamil unless the candidate having undergone above courses, acquires additional qualification from University of Jammu prescribed for equivalence of his/her qualification of Adeeb-E-Kamil or Fazil-I-Urdu as Graduation. The Government of Jammu and Kashmir too has vide its Circular NO.04-Edu of 2012 dated 06.02.2012, indicated similar parameters for equivalence of Adeeb, Adeeb-E-Mahir and Adeeb-E-Kamil for Secondary School Examination (Class 10<sup>th</sup>), Higher Secondary Part-II (Class 10+2) and Graduation respectively.

Petitioner's learned counsel's plea that Fazil-I-Urdu having been recognized by the Moulana Azad National Urdu University and the Moulana Azad National University Act, 1996 being applicable to whole of India, the qualification obtained by the petitioner cannot be refused recognition in the State of Jammu and Kashmir, which is a part of India, needs notice only for its rejection, in that, recognition of Fazil-I-Urdu by the Moulana Azad National Urdu University is only for the purposes of Moulana Azad National Urdu University and its recognition or otherwise by other Universities is not

controlled by the Moulana Azad National Urdu University Act.

The jurisdiction of the Universities of Jammu and Kashmir to recognize any other qualification obtained from Universities or Institutions other than their own, as equivalent to graduation of the Universities in the State, is the exclusive domain and prerogative of the Universities in the State which is not in any way controlled by the Moulana Azad National Urdu University Act. The Act does not control the powers and authority of the Universities in the State to recognize or refuse recognition to Courses of other Institutions/Universities for their use/acceptance in the State of Jammu and Kashmir.

For all what has been said above, the petitioner's Claim for her placement at Serial No.1 of the Panel prepared for selection and engagement as Rehbar-e-Taleem in Upper Primary School Chanderkote Kunfer, on the basis of her additional qualification of Fazil-I-Urdu, therefore, fails.

The Zonal Education Officer, Batote's evaluation of respondent No.5 as better in merit to the petitioner cannot, therefore, be faulted.

The petitioner's Writ Petition, for all what has been said above is found without merit, hence dismissed lifting interim order dated 05.04.2011.

**(J. P. Singh)**  
**Judge**

**Jammu:**  
29.03.2012  
Pawan Chopra.