

**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

D.B. Spl. Appl. Writ No. 501/2024

Janardan Rai Nagar Rajasthan, Vidyapeeth (Deemed) University,
Through Its Director, Directorate Of Distance Education, Udaipur
Rajasthan.

-----Appellant

Versus

1. Union Of India, Ministry Of Human Resource Development, Through Its Secretary, New Delhi
2. University Grants Commission, Through Its Secretary, New Delhi
3. Director, Distance Education Council, Ignou, New Delhi
4. All India Council For Technical Education, New Delhi 110002
5. Director, Distance Education Council, Cum Secretary Ugc-Aicte-Dec Joint Committee For Technical And General Education In Distance Mode, Through Its Secretary (Director, Distance Education Council), Indira Gandhi National Open University, New Delhi.
6. The State Of Rajasthan, Through Its Secretary, Department Of Higher Education, Secretariat, Jaipur

-----Respondents

Connected With

D.B. Spl. Appl. Writ No. 439/2024

Institute Of Advanced Studies In Education (Iase), (Deemed University), Gandhi Vidya Mandir, Sardarshahar, Churu (Rajasthan) Through Its Registrar Shri Dharam Singh Gehlot, Aged About 62 Years.

-----Appellant

Versus

1. The Union Of India, Through The Secretary, Ministry Of Human Resources Development, Shastri Bhawan, New Delhi.
2. University Grants Commission (Ugc), Bahadur Shah Zafar Marg, New Delhi - 110001.
3. Director, Distrance Education Council (Dec) Indira Gandhi National Open University, Maidan Garhi, New Delhi -

110068.

4. All India Council For Technical Education (Aicte), Indira Gandhi Indoor Stadium, Indraprastha Estate, New Delhi - 110002.
5. Director, Distance Education Council (Dec) Cum Secretary, Ugc-Aicte-Dec Joint Committee For Technical And General Education In Distance Mode, Indira Gandhi National Open University, Maidan Garhi, New Delhi - 110068.
6. The State Of Rajasthan, Through The Secretary, Department Of Higher Education, Secretariat, Jaipur.
7. Harekrishna Verma S/o Shri Yadunandan Verma, Presently Working On The Post Of Sdo Grade-1, Defence Estates Officer, Bathinda, Punjab.

-----Respondents

D.B. Spl. Appl. Writ No. 500/2024

Janardan Rai Nagar Rajasthan, Vidyapeeth (Deemed) University,
Through Its Director, Directorate Of Distance Education, Udaipur
Rajasthan

-----Appellant

Versus

1. Distance Education Bureau, University Grants Commission (Formerly Distance Education Council) Through Its Deputy Director, Dec Building Indira Gandhi National Open University, New Delhi 110002
2. University Grants Commission, Through Its Secretary, New Delhi 110002

-----Respondents

D.B. Spl. Appl. Writ No. 494/2024

Janardan Rai Nagar Rajasthan, Vidyapeeth (Deemed)
University, Through Its Director, Directorate Of Distance
Education, Udaipur Rajasthan

-----Appellant

Versus

1. Union Of India, Ministry Of Human Resource Development, Through Its Secretary, New Delhi

2. University Grants Commission, Through Its Secretary, New Delhi
3. Distance Education Bureau, University Grants Commission (Formerly Distance Education Council) Through Its Director, New Delhi.

-----Respondents

D.B. Spl. Appl. Writ No. 602/2024

Institute Of Advanced Studies In Education (Iase), (Deemed University), Gandhi Vidya Mandir, Sardarshahar, Churu (Rajasthan) Through Its Registrar Shri Dharam Singh Gehlot, Aged About 62 Years

-----Appellant

Versus

1. The Union Of India, Through The Secretary, Ministry Of Human Resources Development, Shastri Bhawan, New Delhi.
2. University Grants Commission, Bahadur Shah Zafar Marg, New Delhi 110001
3. Distance Education Council, Indira Gandhi National Open University, Maidan Garhi, New Delhi 110068
4. The State Of Rajasthan, Through Secretary, Department Of Higher Education, Secretariat, Jaipur

-----Respondents

D.B. Spl. Appl. Writ No. 524/2024

Institute Of Advanced Studies In Education (Iase), (Iase), (Deemed University), Gandhi Vidya Mandir, Sardarshahar, Churu (Rajasthan) Through Its Registrar Shri Dharam Singh Gehlot, Aged About 62 Years.

-----Appellant

Versus

1. Union Of India, Through The Secretary, Ministry Of Human Resources Development, Shastri Bhawan, New Delhi
2. University Grants Commission, Bahadur Shah Zafar



Marg, New Delhi 110001

-----Respondents

D.B. Spl. Appl. Writ No. 546/2024

Institute Of Advanced Studies In Education (Iase), (Deemed University), Gandh Vidya Mandir, Sardarshahar, Churu (Rajasthan) Through Its Registrar Shri Dharam Singh Gehlot, Aged About 62 Years.

-----Appellant

Versus

1. The Union Of India, Through The Secretary, Ministry Of Human Resources Development, Shastri Bhawan, New Delhi.
2. University Grants Commission (Ugc), Bahadur Shah Zafar Marg, New Delhi-110001-Through Its Secretary.
3. The Distance Education Bureau (Deb), University Grants Commission (Ugc), Through Its Secretary, 35, Firoz Road, New Delhi- 110 001.

-----Respondents

D.B. Spl. Appl. Writ No. 548/2024

Institute Of Advanced Studies In Education (Iase), (Deemed University), Gandhi Vidya Mandir, Sardarshahar, Churu (Rajasthan) Through Its Registrar Shri Dharam Singh Gehlot, Aged About 62 Years.

-----Appellant

Versus

1. The Union Of India, Through The Secretary, Ministry Of Human Resources Development, Shastri Bhawan, New Delhi.
2. University Grants Commission, Bahadur Shah Zafar Marg, New Delhi.
3. All India Council For Technical Education, Indira Gandhi Sports Complex, Ip Estate, New Delhi.
4. The Distance Education Council, Indira Gandhi National Open University Campus, Maidan Garhi, New Delhi.

-----Respondents

D.B. Spl. Appl. Writ No. 554/2024

Institute Of Advanced Studies In Education (Iase), (Deemed University), Gandhi Vidya Mandir, Sardarshahar, Churu (Rajasthan) Through Its Registrar Shri Dharam Singh Gehlot, Aged About 62 Years

-----Appellant

Versus

1. The Union Of India, Through The Secretary, Ministry Of Human Resources Development, Shastri Bhawan, New Delhi
2. The Director (Icr), Ministry Of Human Resources Development (Department Of Higher Education), Government Of India, Shastri Bhawan, New Delhi.
3. The University Grants Commission, Bahadur Shah Zafar Marg, New Delhi 110001
4. The Distance Education Council, Indira Gandhi National Open University, Maidan Garhi, New Delhi 110068.
5. The All India Council For Technical Education, Indira Gandhi Sports Complex, Ip Estate, New Delhi.
6. The State Of Rajasthan, Through The Secretary, Department Of Higher Education, Secretariat, Jaipur.

-----Respondents

For Appellant(s)	:	Mr. R.N. Mathur, Senior Advocate assisted by Mr. Surendra Singh Choudhary. Mr. M.S. Singhvi, Senior Advocate assisted by Mr. Akhilesh Rajpurohit, Mr. Kartik Lodha & Mr. Hardik Vyas.
		Mr. Ashwini Kumar Matta, Senior Advocate.
For Respondent(s)	:	Mr. Manish Patel, AAG. Mr. Akshay Nagori. Mr. B.P. Bohra. Mr. Narendra Singh Rajpurohit. Mr. Ramniwas Choudhary for the applicant.

HON'BLE DR. JUSTICE PUSHPENDRA SINGH BHATI
HON'BLE MR. JUSTICE YOGENDRA KUMAR PUROHIT

Judgment

Reserved on 28/05/2024 & 29/05/2024

Pronounced on 30/05/2024

1. Heard the learned counsel for the parties on the stay application.
2. Mr. R.N. Mathur, learned Senior Advocate assisted by Mr. Surendra Singh Choudhary; Mr. M.S. Singhvi, learned Senior Advocate assisted by Mr. Akhilesh Rajpurohit, Mr. Kartik Lodha & Mr. Hardik Vyas; Mr. Ashwini Kumar Matta, learned Senior Advocate, appearing on behalf of appellants submitted that though there is a paucity of time due to the ensuing vacations two days ahead, but the matter requires immediate consideration looking into the high stakes for the students who have attained various qualifications from the Universities in question and their qualifications having been temporarily suspended by the impugned order dated 08.01.2024 passed by the learned Single Judge of this Hon'ble Court.
3. Mr. Akshay Nagori, learned counsel for the respondent-University Grants Commission (UGC) however submitted that though he has instructions to oppose the stay application, but at the same time, the UGC itself is also in the process of filing a special appeal against the impugned order, to the limited extent of the liability being fastened upon the UGC. The requirement of challenging the impugned order is for the limited purpose of challenging the orders whereby obligation has been cast upon the

UGC to conduct the examination of students, whose degrees have been suspended.

3.1. Learned counsel submitted that rest of the order to the understanding of the UGC does not require any challenge and has been rightly passed.

4. Learned Senior Counsel for the appellants submitted that at stake is the future of the students and thus an immediate intervention of this Court is required.

5. Since the factual matrix and the substantial issues are same therefore, the documents from the written compilation (additional documents) which are mostly for Rajasthan Vidhyapeeth, Udaipur have been addressed by the learned Senior Counsel for the appellants.

6. Learned Senior Counsel for the appellants have drawn the attention of this Court towards the following aspects, documents etc. as contained in the written compilation supplied on behalf of the appellants:

(i) Annexure-A-1 at Page 38 of the written compilation, in which vide letter dated 12.01.1987, the Rajasthan Vidhyapeeth, Udaipur was conferred the status of Deemed University.

(ii) Annexation-A-2 which is at Page 39, which is a notification dated 19.08.2003 whereby the name of the Rajasthan Vidhyapeeth, Udaipur was changed to the present appellant-Janardan Rai Nagar Rajasthan, Vidhyapeeth (Deemed) University, Udaipur.

(iii) Annexure-A-3 at page 42, which is a Memorandum of Association (MOA) by the University, in which the Rules have been framed and the power of the University to provide instructions of

education in all branches has been detailed. The powers of the University include, power to confer Degree/Diploma and other academic distinctions upon the persons who have pursued a course of study therein and are found suitable as per its Regulations.

(iv) Annexure-A-4 which is at page 65, wherein the Memorandum of Association and Rules were redrawn and amended on 27.02.2004, whereby the powers and functions of the institution were restructured but the power to impart education (Degree / Diploma) in various courses remained the same.

(v) Annexure-A-5 at page 99, which is a proposal for amendment of Memorandum of Association, Rules of Janardan Rai Nagar Rajasthan, Vidhyapeeth (Deemed) University whereby certain amendments were made.

(vi) Annexure-A-7, at page 104, is a letter written by the UGC on 22.03.2021 whereby the UGC found the MOA submitted in accordance with the UGC Regulations and thus, a request to register the same with the Registrar of Societies was also made. Accordingly, the MOA and the Rules were registered in pursuance of the letter of the UGC dated 22.03.2021 and such document included constituent colleges and institutions with different kinds of faculties and subjects, which came within the ambit of the MOA.

(vii) Annexure-A-12 at page 144 is a letter written by the Indira Gandhi National Open University (IGNOU) through Distance Education Council on 26.09.2001 by the University to offer distance education programmes in accordance with the guidelines prepared by the Distance Education Council.

(viii) Annexure-A-13 at page 176, is a letter written by the UGC on 10.04.2001 whereby the UGC wrote to the University in response to the letter dated 09.04.2001 that it can offer vocational programmes at pre- university standard followed by another letter Annexure-A-14 at page 177, which the UGC issued while exercising powers under Section 22 of the UGC Act permitting the diploma and certificates to be issued by the individual university in consultation with the respective Academic Council.

(ix) Annexure-A-15 at page 178 in which the UGC permitted the Universities to award Degrees through distance education mode at their own centres.

(x) Annexure-A-16 at page 79, contained brief information on Open Universities Distance Education Institutes & Correspondence Course Institutions, wherein the name of Rajasthan Vidhyapeeth (Deemed) University figures at serial No.96 in this list.

(xi) Annexure-A-17 at page 191 which is dated 17.02.2004 by which the Ministry of Human Resources Development (MHRD), Government of India passed an order recognizing the courses conducted by the University through academic centres/study centres/off campus centres, whereby permission was given to the University as an institution to recognize such Degrees and Diplomas.

(xii) Annexure-A-18 which at page 193, is the letter of the MHRD dated 28.05.2004, which reflects that the Deemed Universities are automatically recognized for employment under Central and States for higher education in the Universities, and the Degrees/ Diplomas/Certificates at pre-university process shall stand automatically recognized.

(xiii) Annexure-A-19 which is at page 194 is a document dated 03.02.2004 issued by the Distance Education Council (DEC), Maidan Garhi, New Delhi whereby the DEC allowed the distance education centres/institutions/directorates to offer programmes through distance mode by applying and getting prior approvals for starting a new centre/institution/Directorate programme.

(xiv) Annexure-A-20, which is at page 196, is approval of courses sent to the DEC by the Rajasthan Vidhyapeeth University, Udaipur.

(xv) Annexure-A-21, which is at page 198, is the UGC letter dated 03.03.2004 whereby the UGC required necessary action for getting information for submission to the UGC immediately for the purpose of approving the courses.

(xvi) Annexure-A-23, which is at page 209, is a letter issued by the UGC on 16.03.2004, which reflects that the UGC has taken a serious note regarding the maintenance of the standard of teaching and research in the Deemed Universities, and the Deemed to be Universities were directed to obtain the prior of the UGC for starting new courses, for opening academic centers/study centre/off campuses etc. and all those Deemed Universities which are already engaged in such kind of activities shall solicit the UGC's approval within six months of issue of this letter failing which the courses/centres run by the Universities shall be declared unrecognized by the UGC. The same also pertains to the Guidelines for establishing new departments within the campus, setting up of off-campus centre(s)/institution(s) off-shore campus(es) and starting distance education programme by the Deemed Universities.

(xvii) Annexure-A-24, which is at page 215, is the letter dated 02.04.2004 whereby the University sought for ex post facto approval for 517 study centres under distance education.

(xviii) Annexure-A-34, which is at page 238, are minutes of the 428th Meeting of the UGC held on 11.06.2006 in which the Commission considered the request of the Vidhyapeeth University for ex post facto approval of the distance education programme started till the year 2005. The necessary decision was left to the Chairman, who was to do the needful through appropriate mechanism.

(xix) Annexure-A-35, at Page 240, which required one time ex post facto approval of the students admitted under the distance education mode at Vidhyapeeth University on 01.06.2001 to 31.08.2005 subject to strict compliance of the conditions contained in the said document.

(xx) Annexure-A-36 at Page 245, is the one time ex post facto approval issued by the UGC vide its letter dated 03.07.2006, whereby it granted one time ex post facto approval to the Janardan Rai Nagar Rajasthan, Vidhyapeeth (Deemed) University for students admitted in the course from 01.06.2001 to 31.08.2005 keeping in view the future of large number of students.

(xxi) Annexure-A-38 at page 251, is the report of the Expert committee constituted to verify the data submitted by the Janardan Rai Nagar Rajasthan, Vidhyapeeth University, Udaipur.

(xxii) Annexure-A-40 at page 257 is the Memorandum of Understanding (MoU) between the UGC, All India Council for Technical Education (AICTE) and Distance Education Council (DEC)

which required a joint committee to evolve a mechanism for monitoring the existing institutions for ensuring maintenance and norms and standards provided by the said bodies.

(xxiii) Annexure-A-41 at page 267, is the recognition policy of the DEC, in which the recognition status was divided into six topics, namely, (i) provisional recognition (ii) continuance of provisional recognition (iii) post facto recognition (iv) regular recognition; (v) territorial recognition and (vi) approvals to study centers.

(xxiv) Annexure-A-42, at page 269, is the visit report dated 15.06.2007 of the expert committee for Janardan Rai Nagar Rajasthan, Vidhyapeeth University, Udaipur, in which the recommendations were to provide certain facilities for the purpose of running certain courses and certain other recommendations were also made. The ex post facto sanction till academic session July, 2007 only was envisaged.

(xxv) Annexure-A-44, at page 287, is the Minutes of the Third Meeting of the Joint Committee of UGC, AICTE and DEC held on 07.08.2007 at the IGNOU campus in which the approval for the academic year 2007-08 was considered. And it was directed that the University need to apply for the formal recognition to the DEC for the next academic year.

(xxvi) Annexure-A-45, at page 290, is also dated 29.08.2007, which also dealt with the ex post facto recognition by the IGNOU which required the fresh applications for the sessions in July 2008.

(xxvii) Annexure-A-46, at page 292, is the provisional recognition on dated 3.9.2007, whereby such recognition was

reconsidered, but made subject to fresh application for the year 2008.

(xxviii) Annexure-A-47, at page 293 & Annexure-A-48 at page 294 was also a correspondence which dealt with offering programmes through DEC.

(xxix) Annexure-A-52 at page 299, is the DEC's letter dated 8.10.2008 was also shown by the learned Senior Counsel for the appellants, but the same mentioned that the regular recognition of the University was under process.

(xxx) Annexure-A-53 at page 301, is regarding visit of the expert committee and continuation of provisional recognition granted to the University.

(xxxi) Annexure-A-57 at page 327, is the letter of the IGNOU dated 28.8.2012, whereby certain programmes were recognized for one academic year i.e. 2012-13, subject to the outcome of the decision of the Hon'ble Apex Court.

(xxxii) As per Annexure-A-60 page 334, UGC informed that vide letter 19.08.2013 that the recognition extended to the University for the academic year 2012-13 was over, and there was no further proposal for continuance or renewal of such recognition.

7. Learned Senior Counsel for the appellants submitted that upon such de-recognition, SBCWP No.13900/2013 was preferred in which on 26.11.2013 an interim order was passed by this Hon'ble Court directing that the de-recognized courses shall run provisionally under the distance education mode.

7.1. The UGC again wrote vide Annexure-62 at page 336 as shown by learned Senior Counsel for the appellants, is dated

30.04.2014, indicating that the distance mode has not been allowed after the academic session 2013-14.

7.2. The appellants again preferred another writ petition bearing SBCWP No.5194/2014, in which this Hon'ble Court had granted an order on 17.07.2014, whereby effect and operation of the order dated 30.04.2014 passed by the UGC was stayed.

7.3. Meanwhile, another writ petition No.8832/2015, wherein an order dated 17.11.2015 was passed, whereby the interim arrangement was continued but it was made clear that such interim arrangement shall not create any right or equity in favour of the appellant-University and shall remain subject to the final decision of the writ petition.

7.4. Another writ petition bearing SBCWP No.10310/2016 in which on 15.09.2016, another interim order was passed in favour of the University.

7.5. Learned Senior Counsel further submitted that the documents in question reflect that the University made all efforts to continue with imparting of courses in distance education mode, but every time there was an adverse order of the UGC for which protection of the Court was sought. Thus, they continued with the DEC Centres.

7.6. As per learned Senior Counsel, except for certain list of dates which changed for the other University, which is Institute Of Advanced Studies in Education (IASE), the broad point remains the same regarding running of the distance education centres and the recognition have not been considered by the UGC.

7.7. Learned Senior Counsel thereafter, have taken this Court to the list of dates which have been reproduced in the impugned order.

7.8. Learned Senior Counsel also submitted that the impugned order is very harsh in terms of retrospectivity, while the UGC itself continued the recognition for a considerable time and for rest of the times, the interim orders of the Court were protecting the institutions and the students, and thus, any suspension of their qualifications, will have a large impact on the students who have done the Courses and have been given benefit of such Courses.

8. Learned counsel for the UGC opposed the submissions made and submits that the UGC was in continuous contemplation of the approvals granted by the distance education counsel (improving ex post facto) and thought it appropriate to review the same for maintaining the quality of the education.

8.1. Learned counsel further submitted that the UGC has addressed this issue by issuing regular guidelines and directives to regulate the distance education centres of the Deemed Universities and private institutions and at all junctures the UGC was running in a very cautious manner, while dealing with the Deemed Universities and directed for prior approvals to be taken from the UGC, while prohibiting such universities from establishing off campus centres without such approvals.

8.2. Learned counsel also submitted that it came to the knowledge of the UGC that the distance education centres claimed by the Deemed Universities did not exist or lacked infrastructure at many places, and thus, the approvals and temporary approvals

and off campus courses at distance education were strongly withdrawn.

8.3. Learned counsel further submitted that there were unauthorized activities being undertaken by some Deemed Universities, whereby though they were having institutional recognition but the course recognition were absent, and thus, in absence of course recognition, the universities ought not have continued to impart new courses without approvals and recognition, which could not conform to the required infrastructure and quality of the distance education.

8.4. Learned counsel also submitted that the UGC was at all times contesting the issue of distance education centres as they were aware of the shortcomings of the Deemed University's Distance Education Centres.

8.5. Learned counsel has also drawn the attention of this Court towards the judgment rendered in the case of ***Orissa Lift Corporation Ltd. Vs. Rabi Sankar Patro, (2018) 1 SCC 468***, where it was observed that the Hon'ble Punjab & Haryana High Court already held the Degrees in Engineering awarded by Deemed to be Universities through distance education mode to be invalid.

9. This Court being conscious of the fact that the fate of large number of students are at stake, heard the matter while giving full opportunity to the parties on the stay application.

10. This Court finds in absence of certain developments like appeal by UGC being in process and also the fact that the final hearing of the present case would require a very long time, in the

third last day before summer vacation, the submissions on stay application re-insisted upon by the learned counsel for the parties.

11. The directions issued by the learned Single Judge in the impugned order read as follows:

"38. Violations qua lack of approvals continue to subsist even as on today, and I am of the view that strict actions are warranted to avoid further damage. Let us now turn to the remedial measures¹⁶ that are urgently warranted to forthwith plug the further mischief by either of these institutes. Accordingly, in order to do so, following directions are herewith issued :-

38.1 All the impugned order, letters, and communications issued by MHRD, UGC, IGNOU and the erstwhile DEC and later DEB are declared legal and valid. Respondents are directed to proceed with further actions in accordance with these orders/letters to their logical conclusion. The interim stays granted by this Court on various writ petitions, which halted the operation and effect of such communications and letters, are all vacated forthwith in all the petitions.

38.2 All diplomas and degrees, whether undergraduate, graduate, or Ph.D., introduced without specific approval in new courses or through distance education, apart from those existing at the time of obtaining deemed university status, are declared invalid and unrecognized.

38.3 Consequently, as per the aforementioned directive, all diplomas and degrees in general education, except those offered in pre-existing or existing courses/programs, are temporarily suspended as of now.

38.4 During the period of suspension, UGC is directed to promptly take steps to conduct fresh examinations for students whose degrees have been suspended following aforesaid directives. Steps must be done within a reasonable time but not later than a year.

38.5 Both institutes, IASE and JRN, must refund the entire amount charged to students enrolled in new unapproved

courses, off-campus study centers without prior approval, or distance education without approval.

38.6 The UGC will determine the timeframe for students to clear examinations. Students passing within this timeframe will have their diplomas and degrees reinstated/revived.

38.7 The respective institutes must reimburse UGC in advance for all expenses incurred in this process.

38.8 Until students pass the fresh examinations, any benefits obtained based on their diplomas and degrees shall also remain suspended. However, employers are restrained to recover monetary benefits or other advantages provided to candidates employed based on these diplomas and degrees. Upon their failure to pass examination to be conducted/organized by UGC, the consequences shall follow but no money recoveries even then by the employers.

38.9 Both institutes, IASE and JRN, must immediately cease displaying any enrollment or admission information on their websites for upcoming academic sessions for courses not approved by the UGC. This also applies to enrollment or admission through distance education if not already discontinued.

38.10 Both institutes must promptly close their off-campus study centers and cease offering courses through classroom or distance mode unless prior approval has been obtained.

38.11 Both institutes are prohibited from conducting admissions for courses other than those taught on-campus through traditional classroom coaching, and only for courses offered at the time of obtaining deemed university status. "

12. This Court is also conscious of the fact that learned Senior Counsel appearing on behalf of the respective appellant-University have categorically mentioned that all the centres in distance education mode have been discontinued by the appellants-universities, and none of the University herein is imparting any of the courses at this juncture, but only seeks protection for the students who have already completed their course

diploma/degrees whether undergraduate, graduate, postgraduate and Ph.D. through distance learning mode.

13. This Court takes note of the fact that it is a contentious issue that DEC, UGC, AICTE, MHRD and IGNOU have deliberated upon and have cautioned the Deemed Universities against continuance of such new courses without proper approval of the concerned Bodies/Authorities.

14. This Court finds that an interim order would not suffice to resolve the issue of concerning distance education centres, which have been so run by the Deemed Universities in absolute contravention of the stand of the UGC, AICTE, DEC, MHRD & IGNOU. If at all anything which could be considered by this Court at the time of final hearing, is that the statutory institutions were responsible for initiation of all these courses and encouraged the Universities to conduct such courses, but at the same time, when they were discouraged, litigation ensued and the whole concept of DEC became mired in controversies, which would require thorough consideration.

15. The limited question which is to be addressed in the present case is whether any immediate protection is called for to protect the students, which is the main reason of the learned Senior Counsel for the appellants to press stay application at this juncture.

16. While examining the record, this Court particularly finds that paragraph 38.2 of the impugned order, which as per the learned Senior Counsel for the appellants submit, requires immediate attention of this Court because all Diplomas/Degrees, Undergraduate, Graduate or Ph.D. without specific approval in new

courses or through distance education have been declared invalid and unrecognized. However, at the same time, this Court is conscious of the fact that in para 38.3, the Diploma/Degree Undergraduate, Graduate or PH.D. in general education, except where the approval was there, are temporarily suspended as of now.

17. This Court also finds that while passing the impugned order, the learned Single Judge of this Hon'ble Court, was conscious of the welfare of the students and thus directed the UGC to take prompt steps to conduct fresh examination for the students whose Diplomas/Degrees have been suspended, following the aforesaid directions given vide the impugned order, within one year.

18. However, as regards para 38.8 of the impugned order, this Court finds that a full-proof protection has been extended to the students, whereby the employers are restrained from recovering any monetary benefits or any advantages which are provided to the candidates employed concerned based on these Diplomas/Degrees.

18.1. Thus, while passing the impugned order, the learned Single Judge of this Hon'ble Court has taken complete care to the effect that such temporary suspension, until an opportunity is given to them to pass the examination to be conducted by the UGC, such candidates will not face any coercive steps at the hands of the employers concerned, until such an opportunity which has been granted vide the impugned is exhausted.

18.2. Thus, the protection already available in para 38.8, read with paras 38.3 & 38.4, of the impugned order, sufficiently take care of the interest of the students at this stage. Moreover, no

coercion on temporary suspension has already been directed in para 38.8. in the impugned order for the persons/candidates who are already employed or are having any kind of advantages arising from the qualifications so acquired by them.

18.3. Therefore, any order in light of the aforesaid observations, at this juncture, when the students are not being made to suffer and have an alternate plan for their rehabilitation has already been prescribed, no interim order is required to be passed by this Court in the instant stay application(s), at this stage.

19. Consequently, the stay application(s) in the respective above-numbered appeals are ***dismissed***.

20. In the interest of justice, it is observed that the parties shall prepare themselves for final submissions and make such submissions in the main appeals at the earliest.

21. List the special appeals for final hearing on **22.07.2024**.

(YOGENDRA KUMAR PUROHIT),J (DR.PUSHPENDRA SINGH BHATI),J

SKant/-