

ITEM NO.4

COURT NO.2

SECTION XIA

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for
Special Leave to Appeal (C) No(s). 19807-19808/2012

(Arising out of impugned final judgment and order dated 26/02/2010
in WPC No. 3848/2010,15/03/2012 in RP No. 58/2012 passed by the
High Court Of Orissa at Cuttack)

ORISSA LIFT IRRIGATION CORP.LTD.& ORS. Petitioner(s)

VERSUS

RABI SANKAR PATRO AND ORS Respondent(s)

(with appln. (s) for c/delay in filing SLP, impleadment,
permission to file additional documents and interim relief and
office report)
[for final disposal]

WITH

SLP(C) No. 35793-35796/2012
(With appln.(s) for directions and impleadment and impleadment as
party respondent and appln.(s) for permission to file additional
documents and Interim Relief and Office Report)

SLP(C) No. 37028/2012
(With Interim Relief and Office Report)

SLP(C) No. 37957/2012
(With appln.(s) for impleadment as party respondent and
impleadment as petitioner and intervention and permission to
appear and argue in person and permission to file additional
documents and Interim Relief and Office Report)

SLP(C) No. 38211/2012
(With appln.(s) for deletion of proforma respondents and appln.(s)
for impleadment as party respondent and appln.(s) for permission
to appear and argue in person and Interim Relief and Office
Report)

SLP(C) No. 38220/2012
(With Interim Relief and Office Report)

SLP(C) No. 38230/2012
(With Interim Relief and Office Report)

SLP(C) No. 38458/2012
(With Interim Relief and Office Report)

SLP(C) No. 38846/2012
(for withdrawal of SLP)

SLP(C) No. 4108/2013
(With appln.(s) for permission to file additional documents and
appln.(s) for exemption from filing c/c of the impugned judgment
and Interim Relief and Office Report)

SLP(C) No. 9495/2013
(With appln.(s) for permission to place addl. documents on record
and Interim Relief and Office Report)

SLP(C) No. 11799/2013
(With appln. for c/delay in filing SLP and stay and interim relief
and office report)

SLP(C) No. 12244/2013
(With appln.(s) for permission to file additional documents and
pleading addl. facts and appln.(s) for ex-parte stay and directions
and Interim Relief and Office Report)

SLP(C) No. 14933/2013
(With Interim Relief and Office Report)

SLP(C) No. 15283/2013
(With Office Report)

SLP(C) No. 15329/2013
(With Office Report)

SLP(C) No. 17003/2013
(With appln.(s) for impleadment and Interim Relief)

SLP(C) No. 17004/2013
(Interim Relief)

SLP(C) No. 17005/2013
(Interim Relief)

SLP(C) No. 17006/2013
(Interim Relief)

SLP(C) No. 17416/2013
(With appln.(s) for permission to file additional documents and
Interim Relief and Office Report)

SLP(C) No. 20658-20682/2013
(With appln.(s) for permission to file additional documents and Office Report)

SLP(C) No. 36487/2013
(for modification/clarification and stay and Office Report)

SLP(C) No. 14686/2014
(for deletion of proforma respondents and Interim Relief and Office Report)

SLP(C) No. 19834-19835/2012
(c/delay in filing SLP and Office Report)

SLP(C) No. 19820-19821/2012
(c/delay in filing SLP and Office Report)

SLP(C) No. 19812-19813/2012
(c/delay in filing SLP and Office Report)

SLP(C) No. 19838-19839/2012
(c/delay in filing SLP and Office Report)

SLP(C) No. 19836-19837/2012
(c/delay in filing SLP and Office Report)

SLP(C) No. 19840-19841/2012
(c/delay in filing SLP and Office Report)

SLP(C) No. 19830-19831/2012
(c/delay in filing SLP and Office Report)

SLP(C) No. 19842-19843/2012
(c/delay in filing SLP and Office Report)

SLP(C) No. 19851-19852/2012
(c/delay in filing SLP and Office Report)

SLP(C) No. 19848-19849/2012
(c/delay in filing SLP and Office Report)

SLP(C) No. 19824-19825/2012
(c/delay in filing SLP and Office Report)

SLP(C) No. 19844-19845/2012
(c/delay in filing SLP and Office Report)

SLP(C) No. 19826-19827/2012
(c/delay in filing SLP and Office Report)

SLP 12244
20658-82

Ms. Eliza Bar, Adv.
Mr. Shree Pal Singh, Adv.

SLP 15283
15329,

Mr. Sanjay Jain, Adv.
Ms. Kamaldeep Gulati, Adv.
Ms. Sudha B., Adv.

SLP 17416

Mr. Ajay Kapoor, Adv.
Mr. Venkateswara Rao Anumolu, Adv.
Mr. Shashwat Goel, Adv.
Mr. Prabhakar Parnam, Adv.

SLP 36487

Mr. Anil Kumar Tandale, Adv.

SLP 31487-94

Mr. Brijender Chahar, Sr. Adv.
Mr. Aditya Gupta, Adv.
Ms. Jyoti Chahar, Adv.
Mr. Vinay Garg, Adv.

For Respondent(s)

Mr. Colin Gonsalves, Sr. Adv.
Mr. Umesh Ch. Mohanty, Adv.
Mr. P.K. Pattanaik, Adv.
Mr. Kumar Gaurav, Adv.
Mr. Anil Kumar Tandale, Adv.

SLP 38311

Dr. Rajeev Dhawan, Sr. Adv.
Mr. Deepak Kanwal, Adv.
Mr. Sudhir Kumar, Adv.
Mr. C. Mohan, Adv.
Mr. Ranjan Kumar Pandey, Adv.

SLP 19807-08

Mr. B.A. Khan, Sr. Adv.
Mr. A.K. Mohanti, Adv.
Mr. Ranjan Kumar Pandey, Adv.

Mr. B.A. Khan, Sr. Adv.
Mr. Umesh, Adv.
Mr. P.K. Pattanaik, Adv.
Mr. Deepak Kumar, Adv.

Mr. Narender Hooda, Sr. Adv.
Ms. Abnubha Agrawal, Adv.
Mr. Surender Singh Hooda, Adv.
Mr. Kamal Mohan Gupta, Adv.

Mr. Manjit Singh, AAG,
Ms. Nupur Choudhary, Adv.
Ms. Vivekta Singh, Adv.
Mr. Kamal Mohan Gupta, Adv.

Mr. Sudarshan Singh Rawat Adv.

Mr. Arjun Harkauli, Adv.

Mr. D. Rama Krishna Reddy, Adv.
Ms. D. Bharathi Reddy, Adv.

Mr. Rajat Sharma, Adv.
Mr. Dinesh Verma, Adv.
Mr. Subhasish Bhowmick, Adv.

Mr. Amitesh Kumar, Adv.
Mr. Shashank Shekhar Singh, Adv.
Mr. Gopal Singh, Adv.

Mr. Balaji Srinivasan, Adv.

Mr. V.K. Bali, Sr. Adv.
Mr. Aditya Soni, Adv.
Mr. C. Kumar, Adv.
Mr. Sanchar Anand, Adv.
Mr. Kuldip Singh, Adv.

Mr. Tarun Gupta, Adv.

Mr. A.V. Rangam, Adv.

Mr. Chandra Prakash, Adv.
Mr. Rituraj Biswas, Adv.
Ms. Sujata Bardhan, Adv.

Mr. S.L. Aneja, Adv.

Ms. B. Sunita Rao, Adv.

Mr. C.S.N. Mohan Rao, Adv.

Ms. Madhusmita Bora, Adv.

Mr. R.C. Kaushik, Adv.

Mr. Ranjan Kumar Pandey, Adv.

Mr. G. Umapathy, Adv.
Mr. Rakesh K. Sharma, Adv.
Ms. R. Mekhala, Adv.

SLP 37957

Respondent in person

Ms. B. Sunita Rao, Adv.

SLP 38211

Respondent in person.

Ms. Kamini Jaiswal, Adv.

Ms. Shilpi Dey, Adv.

Mr. P.N. Puri, Adv.

Mr. Jagjit Singh Chhabra, Adv.

Mr. G.N. Reddy, Adv.

Mr. D. Mahesh Babu, Adv.

Mr. S.A. Chari, Adv.

Mr. K. Maruthi Rao, Adv.

Ms. Anjani Aiyagari, Adv.

Mr. Satyendra Kumar, Adv.

Mr. Mritunjay Kumar Sinha, Adv.

Mr. Kedar Nath Tripathi, Adv.

Mr. Sunil Kumar Jain, Sr. Adv.

Mr. Awanish Sinha, Adv.

Ms. N. Sharma, Adv.

Mr. Sanjay Jain, Adv.

Ms. Sudha B. Adv.

Mr. Rauf Rahim, Adv.

MS. Anubha Agrawal, Adv.

UPON hearing the counsel the Court made the following
O R D E R

In the course of hearing of these cases we noticed that the UGC even though impleaded as a party respondent had not filed any counter affidavit. We would have proceeded with the hearing even in the absence of a counter affidavit but for the fact that additional documents filed by respondent No. 1 include several documents concerning the UGC some of them in the nature of letters, circulars and communications addressed to

several other authorities. It was in that backdrop that we required the personal presence of the Chairman of the UGC, Professor Ved Prakash who has appeared and broadly explained the UGC stand on the questions that fall for determination. According to Professor Ved Prakash the UGC recognises technical degrees by the distant mode only if the University concerned awards such degrees after obtaining the permission of the AICTE for offering such degrees/courses by distant education. Professor Ved Prakash further states that wherever the UGC notices that technical educational degrees are being awarded by deemed university without the approval of the AICTE, it can and does take action against the defaulting university by reporting the matter to the central government who confers the status deemed university on such institutions. When asked whether professor Ved Prakash can on affidavit state the above position that Mr. Prakash was more than willing to do so. Needless to say some of the counsel appearing in these cases were critical of the stand taken by the UGC and argued that the same was not the true position either on facts or in law. Be that as it may we deem it just and proper to permit the UGC to file a detailed counter affidavit to this SLP which shall apart from answering other submissions made in the SLP elaborate on the following aspects:

- 1) Whether the UGC recognises degrees in technical education by open and distant education mode. If so, subject to

what conditions, if any.

2) If such degrees are recognised only when they are awarded after obtaining the permission of the AICTE, what happens when the Universities award degrees without obtaining such permission.

3) What action, if any, is the UGC empowered to take under the UGC Act or any other provision of law against the University awarding degrees without the approval of the AICTE and whether any such action has been taken in the past or is proposed to be taken against such Universities hereafter.

4) Whether the Government of India have issued any instructions/circulars regarding recognition of technical education degrees through ODL mode offered by the deemed or statutory universities. If so, what are these instructions/circulars and what is the action/steps to be taken in regard to the degrees awarded or status of such degrees as have already been issued before the issue of such instructions.

5) How does UGC explain its stand in view of the documents filed by respondent No. 1 in I.A. Nos. 5 and 6 of 2014 in these petitions or those enclosed with the SLP or counter affidavit.

Since the controversy relates to six different deemed universities namely Vinayaka Mission's research Foundation, Salem, Tamil Nadu, IASE Gandhi Vidya Mandir, Sardar Shahar Rajasthan, JRN Vidyapeeth Udaipur, Rajasthan and Allahabad, Agriculture Research Institute, Allahabad, U.P. the proposed

affidavit by Professor Ved Prakash shall state whether the UGC recognises the degrees awarded by the said Universities by ODL mode even when the same are degrees in technical education including degrees that have already been awarded.

We grant to Professor Ved Prakash, Chairman of the UGC four weeks' time to file the affidavit copy whereof shall be served upon learned counsel for the counsel opposite who shall have two weeks' time thereafter to file their response.

List for hearing in the month of March, 2014.

In SLP © No 19807-808 of 2012 and 38211 of 2012 learned counsel for the parties do not seriously oppose the prayer for impleadment. Applications are allowed and the applicants added as party respondents in SLP © Nos. 19807-19808 of 2012 and (AMIE) respondent in 38211 of 2012 respectively.

Counter affidavit shall be filed by the newly added respondents within four weeks.

Rejoinder, if any, be filed within two weeks thereafter.

Post on 11.03.2015.

Mr. Gopal Singh, Adv. earlier appearing for UGC is permitted to retire. His name shall not appear in the cause-title as counsel for UGC in future.

(Shashi Sareen)
Court Master

(Veena Khera)
Court Master

