

HIGH COURT OF JUDICATURE FOR RAJASTHAN BENCH AT JAIPUR

S.B. Civil Writ Petition No. 7875/2015
CNR: RJHC020689132015 | URN: CW / 13943U / 2015

1. Rajaram Meena S/o Shri Ramchandra Meena, Village Kushalpura, Post Saywar Lalwas, Viya Siyapur Lalwas, Tehsil Jamwaramgarh, District Jaipur.
2. Ramdhan Meena S/o Shri Bhagwan Sahay Meena, Village and post Bhurthal, Via Kanota, Tehsil Baddi, District Jaipur.
3. Pramod Kurmar S/o Shri Radheyshyam, Plot No. 16, Mainpuri Colony, Shri Ramnagar-B, Jhotwara, Jaipur.
4. Ghanshyam Bairwa S/o Shri Ramlal Bairwa, Vpo Bardala, Tehsil Nadoti, District Karauli.
5. Suresh Kumar S/o Shri Daulatram Choudhary, Y-116, Mahaveer Nagar, Near Dadabari, Tehsil Sanganer, District Jaipur.
6. Krishan Raigar S/o Shri Seduram Raigar, 58, Sanjay Nagar, Sector-9, Pratap Nagar, Sanganer, Jaipur.

-----Petitioners

Versus

1. State Of Rajasthan Through Secretary And Commissioner, Department Of Information Technology And Com, Government Secretariat, Jaipur Raj.
2. Technical Director Cum Joint Secretary, Department Of Information Technology and Communication, Government of Rajasthan, IT Building, Yojna Bhawan, Tilak Marg, C-Scheme, Jaipur.
3. The Registrar, Mahatma Gandhi University, 13th Mile, G.s. Road, Khanpura, Ri Bhoi, Meghalaya.

-----Respondents



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For Petitioner(s)	:	Mr. Vibhuti Bhushan Sharma with Ms. Anindya Gupta Mr. Harshit Tiwari Ms. Suman Kalal
For Respondent(s)	:	Mr. B.S. Chhaba, AAG with Mr. Vinayam Saran, AAAG & Ms. Mukta Maan

HON'BLE MR. JUSTICE GANESH RAM MEENA**Order**

Arguments concluded on	:::	September 24, 2026
Order reserved on	:::	September 24, 2026
Order pronounced on	:::	October, 09, 2026

1. The petitioners, six in number, have jointly filed the present writ petition under Article 226 of the Constitution of India challenging the order dated 27.05.2015, whereby the respondents cancelled their selection to the post of Information Assistant on the ground that the Post Graduate Diploma in Computer Applications ('PGDCA') possessed by them was not a valid qualification. By the same order, the concerned Heads of Department were also directed to relieve the petitioners from service.

2. As per facts on record the respondent-department issued an advertisement dated 25.04.2013 inviting applications for direct recruitment to the post of Information Assistant under the Rajasthan Computer State and Subordinate Service Rules, 1992. The petitioners, who are graduates and also hold PGDCA certificates issued by Mahatma Gandhi University, Meghalaya, applied pursuant to the said advertisement. According to the petitioners, they had completed the said course through distance education imparted by the University. They participated in the selection process and were ultimately selected for the post.



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3. In support of the validity of their qualification, the petitioners rely upon the letter dated 03.08.2011 issued by the Director, Distance Education Council ('DEC'), whereby, according to them, recognition had been granted to the University for offering various programmes, including PGDCA, through the distance education mode. The petitioners contend that such recognition was extended up to the session 2014-15. They also rely upon the letter dated 14.10.2013 issued by the University Grants Commission (UGC) concerning the equivalence of degrees and diplomas awarded through open and distance learning.

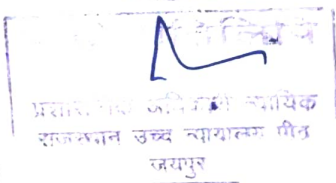
4. The respondents appointed the petitioners to the post of Information Assistant vide order dated 14.09.2013 and posted them at different places. The appointment order stipulated that they would be permitted to join after verification of their documents. According to the petitioners, they were appointed as probationers for a period of two years. The petitioners were thereafter permitted to join pursuant to orders dated 24.09.2013, 25.09.2013 and 11.12.2013. The respondents admit that these orders were issued after verification of the documents; however, according to them, the validity of the distance education programme conducted by Mahatma Gandhi University was not verified at that stage.



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5. The petitioners contend that the verification was carried out in accordance with the check-list/Index prescribed for qualification verification. In the said Index, the University finds mention at Serial No.101 of Annexure-E, which relates to approved Universities and courses for distance education. The petitioners have further placed on record letters dated 19.11.2013 and 06.12.2013, which, according to them, demonstrate that the respondents had earlier verified the genuineness of their diplomas from the University itself.

6. According to the respondents, after issuance of the appointment orders, they came to know of two material developments. First, the UGC, vide its letter dated 21.11.2013 addressed to the Panchayati Raj Department, clarified that private Universities established under an Act of a State Legislature could award degrees only through the regular mode from their main campus. Secondly, an enquiry report dated 20.12.2013 was submitted by the Panchayati Raj Department, in which the activities of Mahatma Gandhi University, Meghalaya, EIILM University Sikkim, Sikkim Manipal University and certain other Universities in awarding degrees and certificates through distance education were found to be doubtful. In view of these developments, the respondents reconsidered the recruitment process and found that the petitioners, along with several other candidates, had



obtained the requisite qualification from such Universities through the distance education mode.

7. Thereafter, the respondents issued a notice dated 26.11.2014 to the petitioners and other similarly situated candidates, requiring them to furnish, by 08.12.2014, any other document in support of their eligibility. The notice further stated that, in the event of failure to produce such document, their selection was liable to be rejected. According to the petitioners, the notice also recorded that the activities of Mahatma Gandhi University had been found suspicious in an enquiry conducted at the departmental level and that a decision had been taken not to consider the qualification obtained from the University as an eligibility qualification for the post.

8. The petitioners challenged the aforesaid notice by filing S.B. Civil Writ Petition No.14466/2014. On 06.01.2015, state that this Court passed an interim order dated 12.01.2015 directing that no action be taken against them unless anything adverse was found in an enquiry regarding the genuineness of their degree certificates.

9. Subsequently, the respondents issued another notice dated 09.02.2015 requiring the petitioners to furnish details regarding the manner in which the PGDCA course had been conducted by Mahatma Gandhi University. The petitioners submitted their replies dated 13.04.2015 and



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14.04.2015, and the replies of two of the petitioners have been placed on record. According to the petitioners, they furnished the requisite information and documents sought by the respondents.

10. A special team was said to have been constituted to conduct an enquiry into the degrees issued by five Universities, namely, C.M.J. University Meghalaya, EIILM University Sikkim, Mahatma Gandhi University Meghalaya, Sikkim Manipal University, and The Global Open University, Nagaland. The respondents also addressed the UGC seeking clarification regarding the validity of the degrees issued by these Universities. According to the respondents, the candidate-wise enquiry revealed that the degrees issued by three of the aforesaid Universities, including the University in question, were invalid.

11. Considered the submissions made by learned counsels for the respective parties and perused the material made available on record.

12. The petitioners by filing this petition have made a challenge to the order dated 27.05.2015, whereby the final selection of the petitioners to the post of Informatics Assistant has been canceled on the ground that the petitioners have obtained the Degree of Post Graduate Diploma in Computer Applications (in short PGDCA) from the Mahatma Gandhi University, Meghalaya and the educational



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activities of the said university are suspicious, the said university has no recognition for imparting this degree by distant education mode and the petitioners have completed the course through a study centre of the University, which is situated out of the jurisdiction of the State which has enacted the law for establishment of the said University.

13. In view of the submissions made by the learned counsels for the parties and the pleadings and the grounds for cancellation of the final selection of the petitioners to the post of Informatics Assistant, this Court has to see whether the Mahatma Gandhi University, Meghalaya was having the recognition for the course of PGDCA through the distant education mode and whether the petitioners have completed their course through a study centre of the University established beyond the jurisdiction of the Meghalaya state and lastly, whether the activities of the said university are suspicious?

14. The Mahatma Gandhi University has been established by enactment of the Mahatma Gandhi University Act, 2010 (in short 'the Act of 2010') by the Meghalaya Legislative Assembly, which was notified in the official Gazette on 04.01.2011 after the due assent of His Excellency, Governor of Meghalaya.

Section 4(3) of the Act of 2010 provides that 'the

campus of University shall be at Tura, Meghalaya and it may



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have another campus at Khanapara or any other place in Meghalaya and Regional centres, Study centres anywhere in India and abroad.

Provided approval of Distance Education Council is obtained.

The aforesaid provision speaks that there can be Regional centres, Study centres of the University anywhere in India, subject to the approval of the Distance Education Council.

Provisions of Section 7(o) of the Act of 2010 provides for the powers of the University, which includes (o), to determine standards of admission to the University, constituent Colleges, affiliated college, Regional Centres, Off-Campus Centre, Off-Shore Campus, Study Centres with approval of the Academic Council.

Provision of Section 21 (3)(p) of the Act of 2010 provides for powers of the Board of Management of the University to make special provision for students belonging to the state of Meghalaya or other states for admission in any course of university or in a Constituent College, Off-Campus Centres, Offshore Campuses, Regional Centre or Study Centre.

15. So as to control and to maintain the standards of the higher education, University Grant Commission is the highest authority which supervises that the institutions



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imparting higher education maintains the standards of the education.

The University Grants Commission vide its letter dated 21.11.2013, written to the Secretary, Gramin Vikas and Panchayati Raj Department, Government of Rajasthan, Jaipur, intimated that the Mahatma Gandhi University, Meghalaya has been established by an enactment made by the state legislature and is authorized to provide degrees after having approval of the concerned legal bodies/councils.

16. The Indira Gandhi National Open University vide its letter dated 03.08.2011 intimated the Registrar, Mahatma Gandhi University, Meghalaya that Distance Education Council considered the recommendations of the Expert Committee at its 39th meeting and the recommendations of the Visiting Expert Committee, comprising the nominees of UGC, AICTE, and DEC were placed before the Tripartite Committee and based on the decision of the Distance Education Council and the Tripartite Committee. The Mahatma Gandhi University has been accorded recognition for a period of three academic years w.e.f academic year 2011-12 to academic year 2013-14 for offering the Post Graduate Diploma in Computer Application through distance education mode.

17. The recognition letter dated 03.08.2011 issued by the Indira Gandhi National Open University as regards the PGDCA course to be imparted by the Mahatma Gandhi



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University through the Distance Education mode, provides as under:-

The territorial jurisdiction for offering programmes through distance mode will be as per the decision taken in the 35th Meeting of the Distance Education Council. In Its 35th meeting the Council noted that distance education and online education cannot have the Territorial Jurisdiction. In case of Central Universities and the State Universities, the Territorial Jurisdiction will be as per their Acts and Statutes for offering programmes through distance mode. The Territorial Jurisdiction in case of Deemed Universities will be as per UGC, which mandates the prior approval of the UGC for opening Centres / off Campus Centres outside the Headquarters. The Territorial Jurisdiction in case of Private Institutions (other than Universities) will be as decided by the Joint Committee, which has decided that the territorial jurisdiction for the institutions (both private as well as Govt funded) shall be the Headquarters, and in no case outside the State. The territorial jurisdiction for offering programmes through distance mode by your institution shall be the head quarters of the University as per the notification of the UGC and as per DEC norms.

The Distance Education Council prohibits franchising of Study Centres. Thus, your Institution will not franchise any Study Centre in any part of the country or abroad.



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18. It is submitted by the learned counsel for the respondents that since the said recognition letter prohibits franchisee or any study centre in any part of the country or abroad, the petitioners who are said to have completed their PGDCA course through any study centre at Kota, their certificates are invalid for Government Employment.

19. As per the facts appearing on record, it is revealed that the petitioners said to have approached the Mahatma Gandhi University for their admission, depositing fees and other guidelines through a centre established at Kota, doesn't mean that they have completed their course of PGDCA by distance education mode through the study centre situated beyond the jurisdiction of State of Meghalaya.

20. Merely submitting application forms, depositing fees, and seeking guidance regarding the course i.e How to get the material for distance education from the University, doesn't mean that the petitioners have completed their course through a study centre established beyond the state of Meghalaya.

21. In a course through distance education mode, the material is supplied to a candidate by the concerned university or institution after admission to course and depositing fee. After having studied that material, a candidate appears for the regular exam. Merely submitting the application form through a centre which may be named as a study centre cannot be said to be seeking PGDCA certificate through a study centre.

22. Learned Additional Advocate General appearing for the respondent also referred the explanation submitted by one of the petitioner named 'Rajaram Meena', placed on record as Annexure-9, and submits that the petitioner is



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completed the Course of PGDCA by distance education mode through a study centre at Kota and therefore, certificate is invalid.

23. The Court has gone through the said explanation and as per Clause-4 of the said explanation, the said petitioner is said to have appeared for counseling for admission and depositing the fees through a centre at Kota, but it doesn't mean that the petitioner has completed the course of PGDCA through the study centre.

24. Learned Additional Advocate General has also relied upon the inquiry report Annexure-R/3, prepared by three officers, wherein it has been concluded that the programs by the Mahatma Gandhi University can only be offered through university campus within the territorial jurisdiction of the State i.e. Meghalaya. Hence, if the university is not having the recognition to run the course through a study centre beyond the territorial jurisdiction of the State of Meghalaya, the certificate of PGDCA of the petitioners is invalid.

25. In the above part of this Order, the Court, after having considered the various provisions of the Act of 2010 and other letters and orders as referred, has already held that mere submitting application, seeking guidance, and depositing fees for the course of PGDCA at a centre at Kota doesn't mean that the petitioners have been imparted the PGDCA course certificate through a distance education mode



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by a study centre outside the territorial jurisdiction of the State of Meghalaya.

26. The another issue which arose for consideration of this court is whether the act of the respondents in cancellation of the final selection of the petitioners is in violation of principle of natural justice.

The respondents have relied upon an inquiry report prepared by the Panchayati Raj Department, which has been placed on record as Annexure-R/3.

27. It is pertinent to state that the petitioners in their pleadings have categorically stated that the copy of the said inquiry report was never served upon them, which has been made the basis for cancellation of the final selection of the petitioners by the respondents.

28. Any order passed by the respondents relying upon an inquiry report which has not been served to the petitioners would amount to gross violation of principle of natural justice. It is a basic principle of law that whenever any order adverse to an employee is issued relying upon any material or inquiry report, then certainly the respondent-authorities are under obligation to serve the copy of same to the said employees.

29. Since the impugned order clearly speaks that it is based on an inquiry report prepared by a committee constituted by the Panchayati Raj Department, and factually the said report has never been served to the petitioners along



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with the show cause notice or before passing the order impugned. Hence, in the opinion of this court, there is a gross violation of principle of natural justice on the part of the respondents in canceling the selection of petitioners.

30. It has also come on record that the petitioners were selected and given appointment after due verification of the documents of the petitioners, including the certificate of PGDCA course. Once the respondents themselves have made verification of the PGDCA certificate of the petitioners and have accorded appointment to them, now at a belated stage, they cannot take a somersault, and that too without following the principle of natural justice and making available the material being used by them against the petitioners.

31. In opinion of this court, the act of the respondents is illegal and arbitrary. The Court vide order dated 04.06.2015 has stayed the operation of the impugned order dated 27.05.2015 and under the interim orders of the Court, the petitioners are continuing in service.

32. At the time of filing of the writ petition, the petitioners were aged about 28 to 30 years and they were allowed appointments being within the age limit. Many of the petitioners have now even crossed the age of 40 years and has become the overage for the Government Employment and if they are not allowed to continue in Government Employment, that too when their final selection has been



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(GANESH RAM MEENA), J

