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BY SPEED POST

विश्वविद्यालय अनुदान आयोग
बहादुरशाह जफर मार्ग
नई दिल्ली-110 002

UNIVERSITY GRANTS COMMISSION
BAHADURSHAH ZAFAR MARG
NEW DELHI-110 002

30 NOV 2016
November, 2016

F.No. 6-25/2001(CPP-I/DU)

ORDER

Sub: Validity of the degree of the student who were already enrolled upto academic year 2005-06 at the Bhubaneswar off-campus centre of Institute of Advanced Studies in Education (IASE), Deemed to be University, Sardarshahr, Rajasthan.

Whereas the Government of India, Ministry of HRD, on the advice of UGC, declared Institute of Advanced Studies (IASE), Gandhi Vidya Mandir, Sardarshahr (Rajasthan) as an Institution Deemed to be University under Section 3 of the UGC Act, 1956.

2. **And whereas** as per Clause 15 (i) of the UGC guidelines 2000 for considering proposals for declaring an Institution as Deemed to be University under Section 3 of the UGC Act, all the Institutions Deemed to be Universities including Institute of Advanced Studies (IASE), Gandhi Vidya Mandir, Sardarshahr (Rajasthan) were required to take prior approval of the UGC to set up off-campus centre in their own area or in places other than their headquarters

3. **And whereas,** Institute of Advanced Studies (IASE), Gandhi Vidya Mandir, Sardarshahr (Rajasthan) started study centre/off-campus centre in Bhubaneswar and admitted students in this centre with B.Tech (Bio-technology), B.Tech (Bio-informatics), M.Sc (Bio-technology) and MBA in regular/distance mode without the prior approval of UGC.

4. **And whereas,** UGC directed the IASE (Deemed to be University) to close down all the study centre(s)/off-campus centre(s) established by it without the prior approval of UGC.

5. **And whereas,** some of the students of the Bhubaneswar study centre/off-campus centre approached Hon'ble High Court of Orissa, Cuttack. Hon'ble High Court vide its orders in W.P(C) No. 12566 of 2005 dated 17.05.2006 directed as under:-

"Therefore, in the interest of the career of the students, it is provided that the Deemed University may start to impart education to the students according to their willingness, i.e. by direct mode or by distance mode, as the case may be, but the same shall be subject to the approval of the UGC in case of direct mode and the DEC (if necessary) in the case of distance mode. As the future of a number of students who belong to the State of Orissa is involved, the UGC may do well grant post-facto permission for opening off-campus centre following the rules and guidelines for the purpose as expeditiously as possible."

6. **And whereas,** as per the directions of the Hon'ble High Court, the Chairman, UGC constituted an Expert Committee to sort out the problems being faced by the students of IASE who belonged to the State of Orissa. The Committee after taking into account the above court orders and presentation made by the Vice-Chancellor of IASE felt the need to verify the availability of infrastructure, faculty members, facilities, programmes and financial viability, etc. required to run the off-campus centre as per UGC norms and guidelines by a sub-committee.

7. **And whereas**, a sub-committee was constituted by the Chairman, UGC to visit the Bhubaneswar off-campus of IASE for on the spot assessment of infrastructure and other facilities available in the centre as per UGC norms. The sub-committee visited Bhubaneswar centre of IASE on 22.08.2006 and recommended as under:-

"The Committee after seeing the infrastructural facilities at Bhubaneswar and interaction with the faculty members, students and the management willingness to start and bear the cost of the off-campus centre at Bhubaneswar, and keeping in view the larger interest of the students and the directions of the Hon'ble High Court of Orissa, Cuttack recommends that the UGC may consider giving one time ex-facto approval to offer programmes of the off-campus centre at Bhubaneswar by IASE (Deemed University), Sardarshahr, Rajasthan for the students already enrolled upto 2005-2006 and they shall not make any fresh admissions. Accordingly, undertaking is given by the management as it is enclosed as Annexure-VI."

8. **And whereas**, the report of the sub-committee was placed before the Commission in its 430th meeting held on 25.08.2006. The Commission resolved as under:-

"The Commission considered the recommendations of the sub-committee and approved one time ex-facto approval to offer programmes at the off-campus centre at Bhubaneswar by Institute of Advanced Studies in Education (IASE), Sardarshahr, Rajasthan (Deemed University) for the students, already enrolled up to 2005-2006."

9. **And whereas**, the above recommendations of the Commission alongwith the report of the UGC Committee were forwarded to the Ministry of HRD vide UGC letter No. F. 6-25/2001(CPP-I) dated 22.09.2006 for taking final decision in the matter. The decision of the Commission was also communicated to ASG of India in Orissa High Court as compliance to the orders of Hon'ble Orissa High Court.

10. **And whereas**, the Ministry of HRD vide its letter No. F. 9-47/2006-U.3(A) dated 11.10.2006 and 05.0-1.2007 requested the UGC to provide copy of the Hon'ble High Court of Orissa orders dated 17.05.2006, 20.07.2006 and 01.08.2006 to process the case. These orders were provided to the Ministry of HRD vide UGC letters No. F. 6-25/2001(CPP-I) dated 27.11.2006 and 13.03.2007.

11. **And whereas**, in the meantime, the IASE Deemed to be University informed the UGC that pursuant to the directions of the Hon'ble High Court of Orissa, education through direct mode is being imparted to the already enrolled students pursuing the other courses also, sequel to the students having moved the Hon'ble High court of Orissa opting for regular courses in those subjects, as per the approved course list of the UGC. These students were registered and granted enrolment from the main campus and are being imparted regular courses on the direction of the Hon'ble High court of Orissa.

12. **And whereas**, Hon'ble High Court of Orissa vide its orders in W.P.(C) No. 12566 of 2005 dated 30.04.2007 directed as under:-

" Learned counsel for the parties i.e. petitioners as well as IASE have undisputedly stated that the University has applied on 11.03.2007 for approval of all the courses for imparting education through direct mode and the same has been received by the UGC on 12.03.2007 and the UGC will take appropriate action including making inspection of the premises within a month."

13. **And whereas**, pursuant to the above directions of Hon'ble High Court of Orissa, the Chairman, UGC constituted an Expert Committee for on the spot assessment of infrastructure and other facilities available with IASE off-campus centre at Bhubaneswar for permitting to conduct engineering courses in regular mode for the students already enrolled

under distance education. The UGC Committee visited Bhubaneswar off-campus centre of IASE on 18-19th July, 2007 and recommended as under:-

"The Committee after assessing the infrastructural facilities available at the Bhubaneswar off-campus centre of IASE Deemed University, Sardarshahr, Rajasthan the College of Engineering, Bhubaneswar and keeping in view the larger interest of the students and the directions of the Hon'ble High court of Orissa, Cuttack, unanimously recommends the following:-

1. That the UGC may consider giving one time ex-post-facto approval to 181 students of Engineering, MCA and M.Sc. (Computer Science) already enrolled upto academic year 2005-2006 under distance mode by the IASE Deemed University to study centre under regular mode in the Bhubaneswar off-campus centre. A list of the students with course and semester is at Annexure-II.
2. The Deemed University shall not make any fresh admissions at the Bhubaneswar off-campus centre without the approval of UGC and DEC.
3. The Deemed University shall hold the examinations for the students of Bhubaneswar off-campus centre in a University/College recognized under Section 2(f) of the UGC Act, 1956 or any Government School premises under the supervision of the observers to be nominated by UGC.
4. After completion of the courses in respect of all the existing students enrolled upto academic year 2005-2006, the Bhubaneswar off-campus centre shall cease to exist."

14. **And whereas**, the report of the UGC Expert Committee was placed before the Commission in its 440th meeting held on 24.09.2007. The Commission resolved as under:-

"The Commission examined and approved the recommendations of the Committee constituted by the Chairman, UGC for an on the spot assessment of infrastructure of the off-campus of Institute of Advanced Studies in Education (IASE), Sardarshahr, Rajasthan (Deemed University) at Bhubaneswar for one time ex-post-facto approval to 181 students of Engineering, MCA and M.Sc. (Computer Science) already enrolled under distance education mode upto academic year 2005-2006, as per the direction of the Hon'ble High Court of Orissa, Cuttack.

It was further decided that (1) the University be advised not to make any fresh admission at the Bhubaneswar off-campus centre without the prior approval of UGC and DEC, (2) the Deemed University shall hold the examinations for the students of Bhubaneswar off-campus centre in a University/College recognized under Section 2(f) of the UGC Act, 1956 or any Government School premises under the supervision of the observers to be nominated by UGC; and (3) After completion of the course in respect of all the existing students enrolled upto academic year 2005-2006, the Bhubaneswar off-campus centre shall cease to exist."

15. **And whereas**, the above recommendations of the Commission alongwith the report of the UGC Committee were sent to the Ministry of HRD vide UGC letter No. F. 6-25/2001 (CPP-I) dated 26.10.2007 for taking final decision in the matter. The decision of the Commission was also communicated to the Deemed to be University and to ASG of India in Orissa High Court as compliance to the orders of Hon'ble High Court. The Ministry of HRD sought some clarifications on the matter vide letters No. F. 9-29/2000-U.3 dated 15.05.2008 and 10.02.2016 which were provided by the UGC vide letters No. F. 6-25/2001(CPP-I) dated 25.11.2008 and 04.03.2016.

16. **And whereas**, the Ministry of HRD vide its letters No. F. 9-29/2000-U.3A (Pt.I) dated 08.04.2016 informed that the UGC vide letter dated 26.10.2007 conveyed the decision of the Commission to the IASE, giving one time permission to Bhubaneswar off-campus for the purpose completing the course of already enrolled students upto the year 2005-06 with a

condition that no fresh students shall be admitted and now those students who have obtained degree from that off-campus centre are approaching the Ministry seeking the validity of degree, as some of the employers have asked them to get the validity confirmed. The Ministry of HRD requested the UGC to pass an order regarding validity of degree to students who were already enrolled upto academic year 2005-06 from Bhubaneswar off-campus of IASE as per guidelines/regulations for deemed universities.

17. **And whereas**, the matter was again referred to the Ministry of HRD by the UGC vide letter No. F. 6-25/2001 (CPP-I) dated 05.05.2016 stating that the UGC has not accorded approval/issued notification for approval of off-campus centre(s) of the Institutions Deemed to be Universities in the past and the notification/approval in respect of off-campus centre(s) is accorded by the Ministry of HRD.

18. **And whereas**, the Ministry of HRD vide its letter No. F. 9-29/2000-U.3(A) Pt.I dated 13.06.2016 clarified that as per the UGC Guidelines, 2000, which were in operation at that time, the off-campus centres could be opened with the prior approval of the UGC and that of the State Government where the Centre is proposed to be opened. The Ministry further stated that since the UGC has already conveyed the decision of the Commission w.r.t. students of Bhubaneswar off-campus of IASE enrolled up to the academic year 2005-2006 to Vice-Chancellor of the Deemed to be University vide letter No. F. 6-25/2001(CPP-I) dated 26.10.2007, UGC is requested to issue appropriate order as per Ministry of HRD letter dated 08.04.2016.

19. **And whereas**, the entire matter was referred to the UGC Advocate for legal advice. The UGC advocate, vide his advice dated 20.08.2016, opined that since, UGC, as per the mandate of the Hon'ble High Court had constituted committee for granting ex-post-facto approval as a one-time measure and the Commission after considering the reports of the Committee had approved grant of one time ex-post-facto approval for the students enrolled till 2005-2006, and the said decision having been communicated to the Ministry of HRD as well as to the Deemed University, now passing an order or issuing notification to such an effect remains only a formality. The UGC advocate further opined that although UGC is insisting that earlier such notifications had always been issued by the Ministry but the relevant clauses of the guidelines nowhere says so and the Ministry of HRD are themselves asking UGC to issue such necessary orders. The only formality that needs to be confirmed is whether the conditions as stipulated in letter of communication dated 26.10.2007 addressed to the Deemed University, have been complied in toto or not. Thereafter, UGC may pass appropriate order or issue notification to that effect that is validating the degree of the students already enrolled till 2005-2006 in the Bhubaneswar off-campus centre of IASE.

20. **And whereas**, the UGC vide its letters No. F. 6-25/2001(CPP-I) dated 31.08.2016, 25.10.2016 and 04.11.2016 requested the Deemed to be University to inform whether it has complied with all the conditions of the UGC letter dated 26.10.2007.

21. **And whereas**, the Registrar, IASE Deemed to be University vide letter dated 04.11.2016 informed as under:-

- (i) The Bhubaneswar off-campus centre was closed down when all students enrolled in the centre passed out, as per the directions received from UGC.
- (ii) The Bhubaneswar off-campus was a temporary off-campus established only to teach the existing students and no new admissions were taken. All students were taught in regular mode.
- (iii) Special library and other infrastructure as recommended by UGC was created for the students.
- (iv) Practicals, projects, etc. were conducted in approved engineering colleges.
- (v) Exams were conducted at UGC recognized colleges.

- (vi) The team constituted as Expert Committee by UGC, duly visited at Bhubaneswar, Odisha.
- (vii) All the steps were duly taken by the Deemed to be University keeping in view of urgency in orders passed by Hon'ble High Court of Orissa and approved by competent authority of State of Odisha. However, when there was no correspondence further by UGC, the examination was conducted.
- (viii) The Deemed to be University carried out all orders of MHRD/UGC and Hon'ble High Court of Orissa in letter and spirit.

22. **Now therefore**, keeping in view the orders of the Hon'ble High Court of Orissa, clause 15(i) of the UGC Guidelines 2000, decision of the Commission dated 25.08.2006 and 24.09.2007, UGC letter dated 26.10.2007, observations of the Ministry of HRD, advice of the UGC advocate and compliance by IASE Deemed to be University, the University Grants Commission hereby grants one time ex-post-facto approval to the off-campus centre of IASE Deemed to be University, Sardarshahr (Rajasthan) at Bhubaneswar (Odisha) for the students enrolled upto academic year 2005-2006.

23. This order issues with the approval of the Competent Authority.



(Sunita Siwach)
Deputy Secretary

1. Commissioner-cum- Secretary to the Government of Odisha, Department of Higher Education, Secretariat, Bhubaneswar.
2. The Registrar, Institute of Advanced Studies in Education (IASE), Deemed to be University, Gandhi Vidya Mandir, Sardarshahr, Dt. Churu, Rajasthan.
3. Shri Achint Kumar, Under Secretary to the Government of India, Ministry of HRD, Department of Higher Education, U.3.A Section, Shastri Bhawan, New Delhi.



(Kundla Mahajan)
Under Secretary