



W.P. (C) No. 15672 of 2025

2025:KER:43507

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE D. K. SINGH

TUESDAY, THE 17TH DAY OF JUNE 2025 / 27TH JYAISHTA, 1947

WP(C) NO. 15672 OF 2025

PETITIONER:

HARISANKAR S.,
AGED 46 YEARS, S/O. SANKARAN UNNI P P,
PRIMARY TEACHER, UP SCHOOL, KODASSERY
KUTTIPIRUM, KURUMBATHUR P O, MALAPPURAM DISTRICT,
RESIDING AT SHIVOHAM HOUSE,
KUTTIPIRUM KOTTAKKAL P O,
MALAPPURAM DISTRICT, PIN - 676503.

BY ADVS.

SHRI. R. K. MURALEEDHARAN

SMT. ATHIRA A. MENON

SHRI. HARISANKAR K. V.

RESPONDENTS:

- 1 STATE OF KERALA,
REPRESENTED BY SECRETARY TO HIGHER EDUCATION
DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM, PIN - 695001.
- 2 LBS CENTRE FOR SCIENCE AND TECHNOLOGY,
REPRESENTED BY THE DIRECTOR, PALAYAM,
NANADAVANAM P O, THIRUVANANTHAPURAM,
PIN - 695033.
- 3 THE DIRECTOR OF GENERAL EDUCATION (HIGHER
SECONDARY), DIRECTORATE OF GENERAL EDUCATION,
JAGATHI, THIRUVANANTHAPURAM, PIN - 695014.

BY ADV.

SMT. SHAMEENA SALAHUDHEEN - SC - R2

SHRI. V. VENUGOPAL - GP

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 17.06.2025, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:



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D. K. SINGH, J.

'CR'

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Dated this the 17th day of June, 2025

JUDGMENT

1. The petitioner has secured his graduation degree from the University of Calicut in Sociology and thereafter he had secured Master Degree in Gandhi & Peace Studies from Indira Gandhi National Open University (hereinafter referred to as 'IGNOU' for short). The petitioner has been working as Primary Teacher w.e.f. 13.06.2007. The petitioner had made an application to participate in the State Eligibility Test for promotion to the post of Higher Secondary School Teacher in the Gandhian Studies.

2. It is further stated that the Mahatma Gandhi University, a University in the name of Mahatma Gandhi, has recognized the Master Degree in Gandhi & Peace Studies obtained by the petitioner from IGNOU vide certificate dated 14.11.2021 (Exhibit P-5).

3. Ms. Shameena Salahudheen, the learned Standing Counsel for the 2nd respondent, LBS Centre for Science and Technology, who is responsible for conducting the State Eligibility Test (SET)



submits that the petitioner is required to have equivalency certificate issued for his Master Degree from a State University of Kerala as per Clause 2.2 and 5.6(a) of Exhibit P-3 Prospectus of SET and even though the petitioner has passed in the SET, his certificate of having been qualified in the SET cannot be issued by the 2nd respondent as the petitioner is not having the equivalency certificate.

4. Mr. V. Venugopal, the learned Government Pleader also has supported the said submission and submitted that in view of the Special Rules made by the State Government under the Kerala Education Act, 1958 equivalency certificate is a must.

5. I have considered the submissions advanced by the learned Standing Counsel for the 2nd respondent and the learned Government Pleader but find little substance in these arguments. The IGNOU is a University of National importance established by the Central Government to offer open studies through correspondence for the first time in the University system and also it offers regular courses. The Central University is recognized by the University Grants Commission (UGC) and its courses are approved by the UGC. If the courses approved by the UGC offered



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by a Central University are required to have the equivalence certificate from the State University, it would be the end of the education system.

6. Even the State Government has understood this aspect and, therefore, vide the Government Order; G.O.(Ms) No. 272/2018/HEDN dated 13.11.2018 in Exhibit P-6 it has been clarified that no equivalency/recognition shall be insisted upon for degrees obtained from National Institute like Indian Institutes of Technology (IITs), Indian Institute of Science (IISs), National Institutes of Technology (NITs), Indian Institutes of Science Education and Research (IISERs) or other institutions recognized by UGC. Despite this understanding of the State Government itself, insistence upon the equivalence certificate is wholly unjustified and such clauses in the prospectus run contrary to the Government Order in Exhibit P-6 dated 13.11.2018 as well as the National Education Policy and it is declared as *ultra vires* of the University Grants Commission Act, 1956 and Regulations framed thereunder. No insistence for equivalence certificate can be made in respect of the Degrees obtained from the National Institutions such as National Institute like Indian Institutes of Technology (IITs), Indian



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Institute of Science (IISs), National Institutes of Technology (NITs), Indian Institutes of Science Education and Research (IISERs) or other institutions recognized by UGC.

7. In view thereof, the present writ petition is hereby allowed, and the 2nd respondent is hereby directed to issue the certificate of pass in SET, July 2021 to the petitioner forthwith.

Sd/-
D. K. SINGH
JUDGE

Svn



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APPENDIX OF WP(C) 15672/2025

PETITIONER'S EXHIBITS

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|------------|---|
| EXHIBIT-P1 | TRUE COPY OF THE CERTIFICATE ISSUED BY THE VICE CHANCELLOR OF INDIRA GANDHI NATIONAL OPEN UNIVERSITY DATED 15.02.2019 |
| EXHIBIT-P2 | TRUE COPY OF THE PROVISIONAL CERTIFICATE OF BACHELOR OF EDUCATION DATED 14.07.2023 |
| EXHIBIT-P3 | TRUE COPY OF THE RELEVANT PAGE OF THE PROSPECTUS ISSUED FOR STATE ELIGIBILITY TEST, JULY 2021 |
| EXHIBIT-P4 | TRUE COPY OF THE RESULT PUBLISHED BY THE 2ND RESPONDENT DATED 25.09.2021 |
| EXHIBIT-P5 | TRUE COPY OF THE ELIGIBILITY CERTIFICATE ISSUED BY THE MG UNIVERSITY TO THE PETITIONER DATED 14.11.2021 |
| EXHIBIT-P6 | TRUE COPY OF THE GO(MS) NO. 272/2018/HEDN DATED 13.11.2018 |
| EXHIBIT-P7 | TRUE COPY OF THE RELEVANT PAGES OF THE NOTIFICATION ISSUED BY THE UNIVERSITY GRANTS COMMISSION (UGC) DATED 06.06.2019 |
| EXHIBIT-P8 | TRUE COPY OF THE ELIGIBILITY CERTIFICATE DATED 17.04.2024 |
| EXHIBIT P9 | TRUE COPY OF THE PRINTOUT OF THE MAIL FROM THE 2ND RESPONDENT |

2ND RESPONDENT'S ANNEXURES

- ANNEXURE R2 (A) A TRUE COPY OF THE JUDGMENT IN W.P© 29572/2023 DATED 08.11.2023 OF THIS HONOURABLE COURT**