



**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

CIVIL APPEAL NO(S). _____ OF 2023
(Arising out of S.L.P.(C) Nos.26867-68 OF 2019)

SEBASTIAN DOMINIC ... **Appellant(s)**

VERSUS

K.HARRIS & OTHERS ETC. ... **Respondent(s)**

J U D G M E N T

RAJESH BINDAL, J.

Leave granted.

2. The appellant herein was working as Reference Assistant in the University¹. He was promoted to the post of Assistant Librarian vide order dated 06.04.2010 w.e.f. 23.07.2008 as he had requisite qualifications, i.e., MLISC² and M.Phil in Library Science from VMU³. M.Phil degree was obtained by him in December 2007. A decision was taken by the Academic Council of the University on 03.04.2013 holding that the degrees acquired through Distance Education from VMU cannot be considered for promotion under University Grants

¹ Kerala Agricultural University

² Masters Degree of Library & Information Sciences

³ Vinayak Missions University

Commission Scheme. The Executive Council endorsed the decision of the Academic Council on 14.08.2014. The action was sought to be taken against the appellant as he had been granted promotion on the basis of his qualification of M.Phil from VMU, on a complaint made by respondent No. 1. Two Writ Petitions were filed in the High Court—first by the appellant-Sebastian Dominic seeking quashing of the decisions taken by the Academic Council and the Executive Council refusing to accept the degrees awarded by VMU through Distance Education and second by K. Harris challenging promotion of Sebastian Dominic and Sherly B to the post of Assistant Librarian. Further prayer was made for grant of promotion to him with retrospective effect from 24.06.2008. The Single Judge of the High Court⁴ opined that the action was taken by the Academic Council in view of the complaint made by K. Harris regarding validity of M.Phil degree of the appellant. Despite the decisions of the Academic Council and the Executive Council, the matter was still kept pending and consequential orders were not being passed. Direction was issued for passing the appropriate order within a period of one month from the date of receipt of copy of the order. The writ petition filed by the appellant was dismissed. The Division Bench

⁴ High Court of Kerala at Ernakulam

of the High Court in a challenge to the common order passed by the Single Bench upheld the same.

3. Learned counsels for the parties have addressed arguments on a legal issue that M.Phil degree obtained by the appellant from VMU was not valid and therefore, he was ineligible for grant of promotion to the post of Assistant Librarian from the date he acquired that qualification. However, considering the fact that the appellant was granted promotion with effect from 23.07.2008 and continued working till he retired from service on attaining the age of superannuation on 31.01.2018, in our opinion, the present appeals can be disposed of while leaving the question of law open but not disturbing the promotion already given to the appellant as he has already retired from service more than five years back. Ordered accordingly. Whatever benefits have been granted to him shall not be disturbed.

.....J
(VIKRAM NATH)

.....J
(RAJESH BINDAL)

New Delhi
November 30, 2023.