

## Status of CMJ University, Meghalaya

C.M.J. University, Modrina Mansion, Laitumkhrah, Shillong (Meghalaya) was established vide Act No. 04 of 2009 (Notification No. LL(B)42/09/80 dated 20.07.2009) of the State Legislature of Meghalaya as a Private University and was empowered to award degrees as specified by the UGC under Section 22 of the UGC Act, 1956 at its main campus in regular mode with the approval of statutory bodies/councils, wherever required. CMJ University was not authorized to open off-campus centre(s)/study centre(s) beyond the territorial jurisdiction of the State of Meghalaya as per the judgment of Hon'ble Supreme Court of India in the case of Prof. Yashpal vs. State of Chhattisgarh. This University was not even allowed to open any centre(s) even within the state of Meghalaya as per the provisions contained in UGC (Establishment of and Maintenance of Standards in Private Universities) Regulations, 2003 without the approval of UGC. The University was allowed to conduct M.Phil/Ph.D programmes in regular mode at its main campus at Shillong (Meghalaya) but only as per the provisions contained in the UGC (Minimum Standards and Procedure for Awards of M.Phil/Ph.D. Degree), Regulations, 2009.

His Excellency the Governor of Meghalaya in his capacity as visitor initiated certain actions against CMJ University for irregularities committed by it. His Excellency also recommended to the State Government of Meghalaya for dissolution of this University in terms of Section 48 of the CMJ University Act, 2009.

UGC has been receiving complaints about the courses run by CMJ University outside its territorial jurisdiction and also in the off-campus/study centres established by the University without the approval of UGC and the State Government. Some of the complaints were about Ph.D. programmes run by this University. These complaints were about back dated registration, no entrance examination and about not following UGC M.Phil/Ph.D./ Regulations.

UGC constituted an Expert Committee for the following purposes:-

- I. To assess fulfilment of criteria in terms of programmes, faculty, infrastructural facilities, financial viability, etc. as laid down from time to time by the UGC and other concerned statutory bodies, and
- II. To look into the violations as reported by the Governor Secretariat, Meghalaya and various complaints received by the UGC.

UGC Expert Committee visited CMJ University on 01.08.2013 along with the nominees from AICTE and NCTE.

The report of the UGC Expert Committee was placed before the Commission at its 495<sup>th</sup> meeting held on 01.10.2013. The Commission considered the report and approved the same. UGC vide letter No. F. 8-21/2010(CPP-I/PU) dated 22.10.2013 forwarded a copy of the report to the Governor Secretariat, Meghalaya and Chief Secretary, Meghalaya Government with the request to take appropriate action against CMJ University as per the provisions of the University Act or any other law as the Governor Secretariat/State Government deems fit. The Governor Secretariat/Meghalaya Government were also requested to take a decision about the validity of the degrees already awarded by CMJ University in the past keeping in view that only those degrees can be termed as valid for which courses were conducted by CMJ University in regular mode at its main campus at Shillong and that too with the prior approval of Statutory Council(s) concerned, wherever,

required. It was also informed that M.Phil/Ph.D. can be conducted by any University in regular mode at the main campus and as per the provisions contained in the UGC (Minimum Standards and Procedure for Awards of M.Phil/Ph.D. Degree), Regulations, 2009.

The Governor Secretariat and Government of Meghalaya were requested to inform the decision taken as the UGC is receiving lot of queries about CMJ University and validity of degrees already awarded by it.

In response, Deputy Secretary to the Governor of Meghalaya, Raj Bhavan, Shillong informed that the Governor Secretariat has already taken up the matter with the State Government of Meghalaya as per the direction of the Hon'ble Supreme Court.

The Principal Secretary, Government of Meghalaya Education Department vide letter No EDN. 222/2013/316 dated 05.06.2014 informed the UGC that the C.M.J University has been dissolved by the Government of Meghalaya under section 48 (2) of C.M.J University Act. Regarding validity of Degrees, it was informed that hearing on representation by students have been completed keeping in view various parameters including those indicated by UGC. A total of 1643 students attended hearing and 4803 were absent. A total of 1479 cases the degrees were found to be invalid and they are being intimated separately. The list of the valid students may be available with the State Government of Meghalaya.

The Director of Higher and Technical Education Government of Meghalaya vide letter no CE/GA/3/CMJ/2015/63 dated 29.03.2016 informed that the Hon'ble High Court of Meghalaya vide order dated 16.07.2015 set aside the dissolution order dated 31.03.2014 citing legal technicalities. Hon'ble High Court had not made any observation/judgement about the validity or otherwise of the CMJ degrees and whether they were issued in conformity of the UGC Act.

The Joint Secretary to the Government of Meghalaya vide its letter no EDN222/2013/463 dated 22.06.2016 informed that- "regarding operations and offering of courses by the CMJ University it may be mentioned here that CMJ University has only informed the Government that consequent upon the cancellation of the order dated 31.03.2014 of the Government of Meghalaya vide judgment & order dated 16.07.2015, passed in W.P. (C) No.177 of 2014 by the Hon'ble High Court of Meghalaya, the University has started functioning at their permanent campus at Jorabat, Ri Bhoi District, Meghalaya. Apprehending contempt proceedings, the Government took no action and neither any approval but rather the State of Meghalaya has preferred to file the Special Leave Petition before the Supreme Court of India which is still pending".

The Government of Meghalaya appealed against the above Judgement dated 16.07.2015 of the Hon'ble High Court of Meghalaya in the Hon'ble Supreme Court.

The Appeal filed before the Hon'ble Supreme Court was dismissed as withdrawn with liberty to take appropriate steps, as may be advised, before the appropriate forum, which would decide the same on merits vide order of the Hon'ble Apex Court petition(s) for special Leave to Appeal(C) No (s) 28831/2016 dated 21.10.2016.

The State Government of Meghalaya vide its letter No. EDN. 222/2013/491 dated 29.11.2016 informed that the State Government has started proceedings to appeal before the High Court of Meghalaya and the same is under process.

Hon'ble High Court of Meghalaya vide its order WA No. 14 of 2017 MC (WA) No. 8 of 2017 dated 12.06.2017 directed that

- a) It shall be required of the respondent-University to specifically notify the students that this appeal has been admitted for consideration and ultimately, the admissions in, and award of degrees by, the respondent-University shall remain subject to the final judgement to be passed in this appeal. The contesting respondents shall ensure that all the students are notified within two weeks from today.
- b) Further, the contesting respondents shall not admit any other student nor shall engage any other persons in the University administration and status quo in relation to the setup of the University as also admissions, as existing today, shall be maintained by all the concerned.
- c) The Students at present undergoing their courses with the respondent-University may, if so chosen by them, continue with the respondent-University but in case, any student makes a representation to the Government, the same shall be sympathetically considered in the light of the order passed by the Apex Court as reproduced here in above.
- d) The representation, if any pending with the State Government shall also be taken up for consideration and appropriate decision shall be taken on such representations expeditiously while keeping in view the fact that it is the responsibility of the Government to ensure that no prejudice is caused to any bona fide student because of this litigation.
- e) Subject to and with the requirements foregoing, the operation and effect of the order impugned dated 16.07.2015 as passed in WP (C)No. 177 of 2014 shall remain in abeyance until final disposal of the appeal

The State Government of Meghalaya vide its letter No. EDN/222/2013/637 dated 25<sup>th</sup> April, 2018 informed that Hon'ble Supreme Court in petition(s) for special Leave to Appeal (C) No (s). 21890/2017 (Arising out of impugned final judgement and order dated 12.06.2017 in WA No. 14/2017 passed by the High Court of Meghalaya at Shillong) vide its order dated 04.09.2017 stayed the operation of the interim order dated 12.06.2017 by Hon'ble High Court.

The State Government has further informed that it has taken steps to enter appearance before the Hon'ble Supreme Court for modification/recall of the stay order and for disposal of the special Leave Petition.

For any other information in this regard you are requested to approach directly to Additional Secretariat Building, Shillong, 1st Floor, State Government of Meghalaya, Meghalaya.