

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

WEDNESDAY, THE 16TH DAY OF SEPTEMBER 2015/25TH BHADRA, 1937

WP(C).No. 22001 of 2014 (A)

PETITIONER :

**ATHIRA B. NAIR,
AGED 23 YEARS, D/O.ARAVINDAKSHAN NAIR,
THAIPPARAMBU, AMAYIDA
AMBALAPUZHA P.O., ALAPPUZHA DISTRICT.**

BY ADV. SRI.JOSE J. MATHAIKAL

RESPONDENT(S) :

- 1. THE STATE OF KERALA
REPRESENTED BY ITS SECRETARY TO GOVERNMENT
DEPARTMENT OF TECHNICAL EDUCATION
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695001.**
- 2. THE DIRECTOR OF TECHNICAL EDUCATION
DEPARTMENT OF TECHNICAL EDUCATION
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM-695001.**
- 3. THE MAHATMA GANDHI UNIVERSITY
KOTTAYAM, REPRESENTED BY ITS DEPUTY REGISTRAR (ACAD)
KOTTAYAM-686 001.**
- 4. INDIRA GANDHI INSTITUTE OF ENGINEERING AND
TECHNOLOGY FOR WOMEN,
NELLIKUZHY P.O., KOTHAMANGALAM
ERNAKULAM DISTRICT
REPRESENTED BY ITS PRINCIPAL-686 001.**

**R1 & R2 BY SR. GOVT. PLEADER SMT. C.K. SHERIN
R3 BY ADVS. SRI.VARUGHESE M.EASO, SC
SRI.VIVEK VARGHESE P.J., SC**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 16-09-2015, ALONG WITH WP(C). 22937/2014 & WP(C) 26474/2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

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...2/-

WP(C).No. 22001 of 2014 (A)

APPENDIX

PETITIONERS' EXHIBITS :

- EXHIBIT P1 : TRUE COPY OF PROSPECTUS FOR ADMISSION TO PG DEGREE
COURSE IN ENGINEERING FOR THE YEAR 2014 BY SECOND
RESPONDENT.
- EXHIBIT P2 : TRUE COPY OF THE SSL CERTIFICATE OF PETITIONER.
- EXHIBIT P3 : TRUE COPY OF HIGHER SECONDARY SCHOOL CERTIFICATE OF
PETITIONER.
- EXHIBIT P4 : TRUE COPY OF PASS CERTIFICATE DT. 20-10-2013 ISSUED BY
INSTITUTE OF ENGINEERS.
- EXHIBIT P5 : TRUE COPY OF GRADE CARD FOR SECTION A AMIE.
- EXHIBIT P6 : TRUE COPY OF GRADE CARD FOR SECTION B AMIE.
- EXHIBIT P7 : TRUE COPY OF CERTIFICATE DT.10-7-2014 BY SECRETARY INSTITUTE
OF ENGINEERS.
- EXHIBIT P8 : TRUE COPY OF NOTIFICATION DT.16-1-2006 BY UNION OF INDIA.
- EXHIBIT P9 : TRUE COPY OF CERTIFICATE BY MG UNIVERSITY.
- EXHIBIT P10 : TRUE COPY OF M.TECH REGULATIONS OF MG UNIVERSITY.
- EXHIBIT P11 : TRUE COPY OF THE M. TECH BROCHURE OF COCHIN UNIVERSITY.

RESPONDENT(S)' EXHIBITS :

- EXT. R2(a) TRUE COPY OF THE G.O.(RT) NO. 1057/2014/H.EDN DATED 31.5.2014.
- EXT. R2(b) TRUE COPY OF U.O. NO. AC.A.III/3/21578/2012 DATED 20.6.2012 ISSUED
BY THE UNIVERSITY OF KERALA.
- EXT. R2(c) TRUE COPY OF THE LETTER NO. GA IV/E1/347/2010 DATED 10.2.2012
OF THE UNIVERSITY OF CALICUT.

//TRUE COPY//

P.S. TO JUDGE

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A.MUHAMED MUSTAQUE, J.

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**W.P.(C).Nos.22001/2014, 22937/2014 & 26474/2015**  
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Dated this the 16th Day of September, 2015

J U D G M E N T

These writ petitions are related to a challenge made by the candidates, who have passed Associate Member of Institute of Engineering (AMIE)/AMIETE examinations, questioning the stipulation of minimum 3 years of experience in the field of specialisation after acquiring the qualifying degree, for the purpose of admission to PG Degree course in Engineering.

2. The stipulation as above is contained in a prospectus issued by the Government of Kerala for the purpose of admission to P.G Degree course in Engineering in Government Engineering Colleges and in Private Self Financing Engineering Colleges.

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3. Now, the petitioners confine their challenge to the minimum experience need to be acquired, after qualifying the degree.

4. The All India Council for Technical Education (AICTE) have prescribed norms and requirements for admission to P.G. Degree course in Engineering. The norms prescribed are - Bachelors degree or equivalent in the relevant field; obtained at least 50% (45% in case of candidate belonging to reserved category) at the qualifying Examination. The stipulation in the prospectus issued by the Government of Kerala, Department of Technical Education, Ext.P1 produced in W.P.(C).No.22001/2014, reads as follows:

"Candidates, who have passed AMIE/AMIETE Examinations and satisfying the following conditions, are eligible for admission.

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- 1) They must have valid GATE score.
- 2) A minimum of 55% marks for section B in AMIE/AMIETE examination.
- 3) Minimum three years of Professional experience in the field of Specialization after acquiring the qualifying degree."

5. The petitioners' case is that the stipulation for AMIE candidates that they must have at least three years of Professional experience in the field of Specialisation after acquiring the qualifying degree is clearly illegal, arbitrary and unsustainable. This Court in W.P. (C).No.22001/2014 has passed a detailed order on 28/08/2014 whereby the respondents were directed to consider the petitioner therein for allotment to the M.Tech programme, provisionally, based on her rank in the entrance examination.

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6. The question is whether the stipulation as above is sustainable or not. As seen from the counter affidavit, the stipulation as such is prescribed in the prospectus, based on the norms of various Universities. It is admitted now by all that, the stipulation as above is only for AMIE candidates. There is no dispute to the fact that AMIE degree is equivalent to other Bachelors degree. It appears that the above stipulation has been prescribed for the reason that AMIE candidates did not have sufficient exposure while acquiring the Bachelors degree in the field of specialisation. It is to be noted that AMIE degree holders are treated in par with the other Bachelors degree holders in Engineering. There is no differentiation between the two qualifications for any other consideration. Once AMIE degree is treated in par with the Bachelors degree programme in

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Engineering, it has to be presumed that all such degree holders form one class and there cannot be any differentiation among the same class. The likes are to be treated alike in all circumstances. No doubt, it is open for any Authorities to prescribe any stipulation for admission to Post Graduate programme. AICTE standard can be treated only as a minimum standard. When higher norms are prescribed, it should be made applicable to all equally and there cannot be any discrimination among alike, who are to be categorised as one class i.e. Bachelors Degree in Engineering. In this case, the attempt made by prescribing the stipulation of additional qualification would amount to treating AMIE as a non equivalent to B.Tech programme. If AMIE cannot be treated as equivalent to B.Tech programme that ought to have been considered before

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treating it as equivalent to B.Tech programme. Once AMIE programme is held as equivalent to other B.Tech programme, it is not proper for the respondents to say that the professional degree acquired by AMIE candidates could be treated as equivalent to other Bachelors degree only after acquiring professional experience. In that view of the matter, making the interim orders absolute, the writ petitions are disposed of. No costs.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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