

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****WPS No. 4063 of 2016**

- Krishna Lal Netam S/o Shri B.R. Netam, Aged About 45 Years Presently Working As Sub Engineer, Kanker R/o Infront Of Sai Mangalam, Vidyut Nagar, Durg, P.S. Pulgaon, District Durg Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of Water Resources, Mahanadi Mantralaya, Naya Raipur,, Post Office & Police Station, Rakhi, District Raipur Chhattisgarh
2. Engineer In Chief Water Resources Department, Sihawa Bhawan, Civil Lines, Raipur, District Raipur Chhattisgarh
3. Executive Engineer, Water Resources Division, Kanker District Uttar Bastar Kanker Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Vivek Kumar Agrawal, Advocate
For State	:	Mr. S.P. Kale, Dy. Advocate General

Hon'ble Shri Justice Manindra Mohan Shrivastava
Order On Board

26/08/2016

1. This petition has been filed by the petitioner, who is aggrieved by the action of the respondents whereby the name of the petitioner has been deleted from the gradation list of Graduate Sub-Engineers on the ground that the degree possessed by the petitioner cannot be recognised because the degree which has been obtained by the petitioner is from a Technical Institution / Engineering College which is not approved by the All India Council of Technical Education (AICTE).
2. In W.P.(S) No. 158/2010, after notices were issued by this Court, the All India Council filed return. In the reply, it was stated that the degree and diploma obtained under the distance education programme, do not require approval and therefore, the AICTE has no role to play for granting recognition to such degrees / diplomas in the professional courses. It appears that the State Government had decided not to recognise petitioner's degree on the ground that though it requires approval by AICTE, it has actually not been

approved by AICTE. However, from the return of AICTE filed in W.P.(S) No. 158/2010, it appears that the AICTE, in such cases, does not grant approval but there is some other mechanism under which such courses are recognised and approved. Therefore, in these circumstances, the State Government should now consider petitioner's degree by taking into consideration relevant aspects including the mechanism provided in cases relating to degree under distance education programme.

3. The consideration regarding approval and recognition of petitioner's degree should be completed by the respondents within an outer limit of six weeks from the date of receipt of copy of this order, so that in the event of recognition granted by the State Government, the petitioner may also get benefit of promotion as Graduate Engineers.
4. The petition is accordingly finally disposed off.

Sd/-
(Manindra Mohan Shrivastava)
Judge