

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WA No. 416 of 2016**

- Manohar Prasad Saha S/o Late Shri D. R. Saha, Aged About 61 Years R/o F- 1/3, Irrigation Quarter, Nutan Colony, Sarkanda, Bilaspur, District Bilaspur, (Chhattisgarh)

----Appellant**Versus**

1. The Institution Of Engineers (India) Through Its Secretary, 8, Gokhale Road, Kolkata, West Bengal- 700020
2. Union Of India, Through The Secretary, Ministry Of Human Resources And Development Department, Department Of Higher Education, Shastri Bhawan, New Delhi- 110001
3. All India Council For Technical Education, Through The Director, All India Council For Technical Education, 7th Floor, Chander Lok Building, Connaught Place, New Delhi- 110001
4. University Grants Commission, Through The Director, University Grants Commission, Bahadur Shah Jafar Marg, New Delhi- 110025
5. Distance Education Council, Through The Director, Distance Education Council, Indira Gandhi National Open University (I G N O U), I G N O U Campus, Maidan Garhi, New Delhi- 110068

---- Respondents

For Petitioner	:	Dr. N.K.Shukla, Senior Advocate with Shailendra Shukla, Adv.
For Respondent No.1	:	Shri Ashish Surana, Advocate.
For Respondent-UOI	:	Shri Shiv Sahu appears on behalf of Shri N.K.Vyas, Asstt. Solicitor General

**Hon'ble Shri Justice Deepak Gupta, Chief Justice &
Hon'ble Shri Justice Sanjay Agrawal, J**

Judgment / Order On Board**18/10/2016****Per Deepak Gupta, C.J.**

This appeal is directed against the judgment and order dated 26.07.2016 whereby the writ petition filed by the appellant/petitioner claiming that the time limit of six years introduced for clearing Part 'B' of the AMIE examination conducted by

the Institution of Engineers (India) – respondent No.1 is illegal.

2. The undisputed facts are that the appellant/petitioner obtained his Diploma in Civil Engineering from Polytechnic College, Raigarh, in the year 1977. He was thereafter employed in the Water Resources Department. He then applied for clearing AMIE examination, which is an examination for in-service Diploma Holders and once they cleared both the parts of the examination, they are deemed to be degree holders. The appellant cleared Part 'A' examination in the year 1987. He was registered for Part 'B' examination on 27.07.1988. However, the appellant could not clear the examination for number of years. In the year 1993, an amendment was introduced by respondent No.1 fixing the time limit of six years for clearing each part of the examination. We are, in this case, concerned only with Part 'B' examination. The effect of this was that the appellant had to clear his Part 'B' examination by the year 1999.

3. Unfortunately, the appellant could not clear Part 'B' examination in the year 1999. He thereafter made a representation on 23.08.1999 for extension of the period to clear the examination by two years. This extension was granted, but the petitioner remained unsuccessful.

4. Thereafter, the appellant applied for re-registration for Part 'B' examination. Thereafter, he filed this writ petition in the year 2003 praying that the amendment made in the year 1993 was illegal. The main ground raised in the writ petition is that the amendment is retrospective in nature inasmuch as it affects the rights of the petitioner. We are not in agreement with the submission of the appellant/petitioner. The amendment was brought into force in the year 1993 and gave a period of six years as the time to clear Part 'B' examination. The period of six years is more than reasonable period provided by the Institute of Engineers (India), which is an Apex body as far as this examination is concerned. Though this amendment may affect the rights of the appellant, it cannot be said to have retrospective effect. It is totally prospective in nature. The amendment states that

from the year 1993, the appellant will have another six years to clear the examination. Fixing the time for clearing the examination is the prerogative of the body, which conducts the examination and the Court cannot interfere with unless the same is totally unreasonable and arbitrary. This cannot be said to be so in the present case. Therefore, we find no merits in this appeal, which is accordingly dismissed being devoid of merits.

Sd/-
(Deepak Gupta)
Chief Justice

Sd/-
(Sanjay Agrawal)
Judge