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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ LPA 565/2017, C.M. APPL.30780/2017

RAJ KUMAR GOEL Appellant
Through : Ms. Priyanka. M. Bhardwaj, Advocate.

versus

GOVT OF NCT OF DELHI & ORS Respondents
Through : Sh. Shakti Priyan Nair, for Ms.
Prabhsahay Kaur, Advocate, for GNCTD.
Ms. Avnish Ahlawat, Sh. Gaurav Gupta and Ms.
Palak Rohmetra, Advocate, for Respondent No.2.

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT
HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
09.10.2017

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1. The appellant's grievance is that the impugned order declined to give effect to the order dated 12.07.2016 which had directed the respondents – in effect the Delhi Transco Limited (DTL) to consider his representation and dispose it off within eight weeks.
2. The issue involved is with respect to the equivalence of the degree/diploma or certificate awarded through open and distance learning mode of education – especially in respect of technical qualifications. The petitioner had relied upon a judgment of the Punjab and Haryana High Court in *Kartar Singh v. UOI & Ors* [CWP 1640/2008, decided on 28.01.2013]. This judgment was followed in other cases as well as by the Central Administrative Tribunal (CAT)

in its decision in *Rafat Himayat Husain v. UOI and Ors.* in OA No. 1599/2013.

3. The record discloses that this Court had the occasion to deal with the correctness of the view expressed by the CAT, in *S.C. Jain and Ors. v. UOI and Ors.* [W.P.(C) 1149/2012, decided on 28.01.2013].

4. The Division Bench, on that occasion in *S.C. Jain (supra)* had pertinently observed as follows:

“6. Matter currently awaits adjudication before the Supreme Court where notices have been issued in the Petitions seeking Special Leave to Appeal against the decision of the Punjab and Haryana High Court. Our attention has been drawn to an interim order dated December 14, 2012 passed in SLP(C) No.35793-96/2012 wherein the Supreme Court had held that those students who had obtained degrees and diplomas which have been declared non-recognized by the High Courts would be eligible to take benefit of the degrees and diplomas obtained by them pending final hearing.

7. Learned counsel for the parties agree that the instant writ petition could be disposed of observing that if the Supreme court were to set aside the decision of the Punjab and Haryana High Court in Kartar Singh case (supra), impugned decisions dated December 21, 2011 and February 02, 2012 passed by the Tribunal would be treated as been over ruled and the result would be the writ petitioners being entitled to the benefit of the degrees obtained by them through Distance Education treating the degrees to be legal and valid. Should the Supreme Court negate the challenge to the decision of the Punjab and Haryana High Court, view taken by the Tribunal would be corrected resulting in the writ

petitioners being held not eligible for promotion on the strength of the degrees they rely upon.

8. *But till the Supreme Court decides on the subject, petitioners would be treated as having valid degrees but this would be subject to the view which the Supreme Court may finally take.*

9. *The writ petition stands disposed of declaring as above but without any order as to costs.”*

5. In view of the above position, a direction is issued to the respondents to consider the appellant's representation within four weeks and decide the issue of granting equivalence or recognition to the distance education qualification obtained by him for service/employment purposes. In case the decision is in the appellant's favour, needless to add, the benefits would be subject to the final outcome of the Special Leave Petition (SLP) pending before the Supreme Court in respect of correctness of the view expressed by the Punjab and Haryana High Court in *Kartar Singh (supra)*.

6. The appeal is disposed of in the above terms along with the pending application.

S. RAVINDRA BHAT, J

SUNIL GAUR, J

OCTOBER 09, 2017/ajk