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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 8837/2017 and CM APPL. 36059/2017

RAJENDRA PRASAD CAMA & ORS Petitioners
Through: Ms. Pragnya Routray, Advocate

versus

DELHI JAL BOARD & ANR Respondents
Through: Mr. Amit Sharma, Advocate

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

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20.12.2017

1. The petitioners, who are working on the post of Assistant Engineers in the respondents/DJB and holding graduation degrees in Engineering from recognised Colleges/Universities, had approached the Tribunal by filing O.A. No.2893/2017, praying *inter alia* for directions to the respondents to consider their degrees and prepare the seniority list for promotion to the post of Executive Engineer, by giving priority to those, who have obtained degrees from recognised Universities/Institutions.
2. By the impugned judgment dated 25.08.2017, the Tribunal dismissed the aforesaid Original Application on the ground that the grievance of the petitioners that degrees acquired by some of the Junior Engineers through distance mode education, were not recognised and invalid, was still a subject matter of consideration before the Supreme Court in SLP No.35793-96/2012 and several other connected SLPs and till a decision is taken thereon, the

Tribunal is not in a position to issue any directions to the respondents/DJB for considering only such persons, who possess degrees from recognised Colleges/Universities, for placing them in the zone of consideration, for promotion to the post of Executive Engineer.

3. We may add here that prior to the petitioners filing Original Application No.2893/2017, some of the Assistant Engineers, who were holding degrees acquired through distance education mode, had filed Original Application No.2173/2017 before the Tribunal entitled Devindra Singh Rathi and Ors. Vs. Delhi Jal Board, Govt. of NCT, wherein an interim order was passed on 06.07.2017, directing the DJB that they should also be considered provisionally in the DPC to be convened for promotion to the post of Executive Engineer and the findings of the said DPC be placed in a sealed cover, pending a decision in the captioned O.A.

4. Learned counsel for the respondents/DJB states that the DPC was in fact never convened. We are informed that the petitioners herein had filed impleadment applications in the captioned Original Application and they had also filed Original Application No.2893/2017 in their own right, which has been dismissed by the impugned judgment.

5. Aggrieved by the aforesaid judgment, the petitioners have filed the present petition, wherein vide order dated 09.10.2017, operation of the impugned judgment was stayed and the respondents were directed to maintain status quo.

6. Learned counsel for the petitioners states that recently, the Supreme Court has decided the case entitled “Orissa Lift Irrigation Corp. Ltd. v. Rabi Sankar Patro & Ors.” along with the connected appeals vide common judgment dated 03.11.2017, reported as **2017 (13) SCALE 148**, declaring

inter alia amongst others, that degrees of students awarded by deemed to be universities through distant education mode be recalled and holding that those degrees shall be treated as cancelled. Further, the Supreme Court has directed that all benefits secured by such candidates shall stand withdrawn, as indicated in para 48 of the judgment. For the purpose of ready reference, para 48 of the judgment is extracted hereinbelow:-

“48. As regards the students who were admitted after the ex-post-facto approval granted in favour of such Deemed to be Universities, in our view, there was no sanction whatsoever for their admission. The Policy Statements as well as warnings issued from time to time were absolutely clear. The students were admitted on the strength either provisional recognition or on the strength of interim orders passed by the High Court. We therefore, declare that in respect of students admitted after the academic sessions of 2001-2005, the degrees in Engineering awarded by the concerned Deemed to be Universities through Distance Education Mode shall stand recalled and be treated as cancelled. Any benefit which a candidate has secured as a result of such degrees in Engineering in the nature of promotion 109 or advancement in career shall also stand recalled. However, if any monetary benefit was derived by such candidates that monetary benefit or advantage will not be recovered by the concerned departments or employers. We, further direct that the entire amount paid by such students to the concerned Deemed to be Universities towards tuition fee and all other expenditure for such courses through distance education learning shall be returned by the concerned Deemed to be Universities to the respective students. This direction shall be complied with by the concerned Deemed to be Universities scrupulously and the amounts shall be returned by 31st of May, 2018 and an appropriate affidavit to that extent shall be filed with UGC within a week thereafter.”

7. Learned counsel for the petitioners states that after the pronouncement of the judgment by the Supreme Court in the above connected appeals, the Tribunal has dismissed O.A. No.2173/2013 and now that the position with regard to recognition of the degrees in engineering acquired from deemed to be universities through distance education mode has been finally settled, the

respondents/DJB be directed to take expeditious steps to convene a DPC for promotion to the post of Executive Engineer.

8. Learned counsel for the respondents/DJB states that the Department is in the process of convening a DPC for the said purpose and the same shall be convened as soon as is possible.

9. In view of the aforesaid sequence of events, nothing further survives for adjudication in the present petition, which is disposed of along with the pending application with directions issued to the respondents/DJB to hold a DPC for making promotions to the post of Executive Engineer, within eight weeks from today, by empanelling only those candidates, who are eligible, in terms of the judgment of the Supreme Court, referred to above.

HIMA KOHLI, J

REKHA PALLI, J

DECEMBER 20, 2017

rkb/ap