

THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SRI JUSTICE M.GANGA RAO

WRIT PETITION No.17573 OF 2017

ORDER: (per Hon'ble Sri Justice Sanjay Kumar)

The petitioner is the unsuccessful applicant in O.A.No.1034 of 2017 on the file of the Andhra Pradesh Administrative Tribunal, Hyderabad. His prayer therein was to consider and follow the directions of the Government of Andhra Pradesh issued in G.O.Ms.No.386, Education (EC.II) Department, dated 25.10.1994 and the Memo dated 17.03.2017 and to promote him to the Post of Deputy Executive Engineer on the strength of the qualification of Diploma in Civil Engineering acquired by him from the Institute of Advanced Studies in Education (*hereinafter*, 'the IASE'), Rajasthan. By order dated 19.04.2017, the Tribunal opined that the authorities were yet to take a decision as to the qualification possessed by the petitioner/applicant and they could not be pre-empted from taking an appropriate decision in the matter. On this ground, the Tribunal held against him and dismissed the O.A. Aggrieved thereby, he is before this Court.

Learned counsel for the petitioner/applicant would point out that the Government of Andhra Pradesh issued G.O.Ms.No.386 dated 25.10.1994 notifying the qualifications recognized by it as equivalent qualifications for recruitment to different posts in the service of the State Government. He would also draw our attention to the Memo dated 17.03.2017, whereby the Government of Andhra Pradesh, through its Higher Education Department, specifically took note of the qualifications acquired by the seventeen employees named therein from the IASE, Rajasthan, and other Deemed Universities and confirmed that the

Degrees/Diplomas awarded to them by the said Universities were recognized for the purpose of employment.

Significantly, the name of the petitioner/applicant finds mention at Sl.No.2 in the said list of seventeen named employees. It is therefore clear that the Government recognized the Diploma in Civil Engineering acquired by the petitioner/applicant from the IASE, Rajasthan, for employment purposes. Learned counsel would also bring it to our notice that this issue fell for consideration before a Division Bench of this Court in W.P.No.16212 of 2017 in which one of us, SK,J, was a member. Copy of the order dated 28.04.2017 passed therein, directing consideration of the case of the petitioner in the said case for promotion in the light of the Memo dated 17.03.2017, is placed on record. Learned counsel would further inform us that in implementation of the said order, the Government of Andhra Pradesh issued Memo dated 11.07.2017.

Though the learned Government Pleader for Services, Andhra Pradesh, would bring it to our notice that the issue of recognition of Degrees awarded by Deemed Universities was the subject matter of consideration before the Supreme Court, she does not dispute the fact that a clarification was issued thereafter by the Supreme Court in the said batch of cases to the effect that it had not considered the validity of the courses offered by the Deemed Universities leading to Diplomas and had only considered such courses in the context of Degrees awarded by such Deemed Universities.

This Court is therefore of the opinion that the qualification secured by the petitioner/applicant, being a Diploma in Civil Engineering from the IASE, Rajasthan, necessarily has to be recognized for employment purposes in the State of Andhra Pradesh.

The writ petition is accordingly disposed of setting aside the order under challenge and directing the authorities concerned to consider the case of the petitioner/applicant for promotion, if he is within the zone of consideration, as and when promotions are taken up, on the strength of the Diploma in Civil Engineering secured by him from the IASE, Rajasthan.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

SANJAY KUMAR,J

Date: 30.04.2018
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M. GANGA RAO, J

