

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

WRIT PETITION No.45459 OF 2016

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

Andhra Pradesh Public Service Commission (APPSC) filed this writ petition aggrieved by the common order dated 28.11.2014 in O.A.No.9983 of 2012 & batch passed by the Andhra Pradesh Administrative Tribunal, Hyderabad, in so far as it pertained to O.A.No.2681 of 2013. The said O.A. was filed by respondents 1 to 7 herein assailing the action of the Government of Andhra Pradesh and the APPSC in rejecting their claim for recruitment to the posts of Assistant Executive Engineer in various Engineering Services on the premise that the degree of B.Tech in Civil (Construction Management) secured by them from Indira Gandhi National Open University (IGNOU), New Delhi, was not equivalent to B.Tech in Civil Engineering. By the order dated 28.11.2014, presently under challenge, the Tribunal held respondents 1 to 7 along with the applicants in the other OAs eligible for appointment as Assistant Executive Engineers and directed the authorities to treat the degrees of B.Tech. in Civil (Construction Management) secured by them from IGNOU as equivalent to B.Tech. in Civil Engineering and to appoint them to the posts notified on various dates within a time frame.

By order dated 22.10.2016, this Court granted interim stay of the order under challenge. While so, I.A.No.1 of 2018 was filed by respondents 1 to 7 to consider their cases for appointment as Assistant Executive Engineers pursuant to the notification dated 27.12.2011, in terms of the judgment dated 30.07.2018 of the Supreme Court in Writ Petition (Civil) No.382 of 2018.

Heard Sri C.Srinivasa Baba, learned counsel for the APPSC, and Sri G.Vidya Sagar, learned senior counsel appearing for Smt.K.UdayaSri, learned counsel for respondents 1 to 7.

Perusal of the judgment dated 30.07.2018 passed in Writ Petition (Civil) No.382 of 2018 reflects that the Supreme Court categorically held therein that approval of the All India Council for Technical Education (AICTE) was not necessary for award of B.Tech. Degrees/Diplomas by the IGNOU. Earlier, by order dated 10.04.2018 passed in Civil Appeal Nos.3697-3698 of 2018, the Supreme Court had observed that Degrees and Diplomas already granted up to the academic year 2009-2010 by the Jawaharlal Nehru Technological University (JNTU) through distance education should be left undisturbed notwithstanding the fact that there was merit in the submission that the norms of the AICTE have to be followed and distance learning should not be permitted in technical education. It may be noticed that Writ Petition (Civil) No.382 of 2018 was a case involving the IGNOU and the issue before the Supreme Court was with regard to B.Tech. Degrees/Diplomas awarded by it. It is therefore clear that AICTE approval was held to be unnecessary in relation to the B.Tech. Degree course offered through distance education by IGNOU.

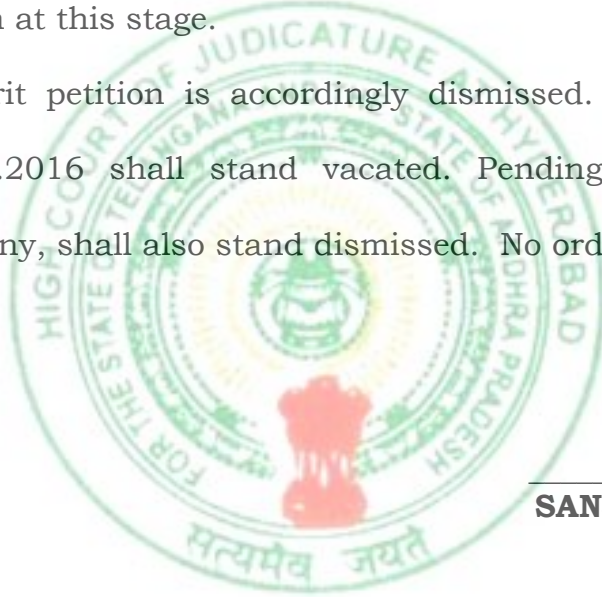
In that view of the matter, rejection of the B.Tech Degrees of respondents 1 to 7 only on the ground that they acquired them through distance education from IGNOU cannot be countenanced.

Sri C.Srinivasa Baba, learned counsel, would however state that in terms of the communication dated 28.11.2012 addressed by the Andhra Pradesh State Council for Higher Education to the APPSC, B.Tech. in Civil (Construction Management) offered by IGNOU, New Delhi, could not be considered equivalent to B.Tech./

B.E. in Civil Engineering. This is countered by Sri G.Vidya Sagar, learned senior counsel, by placing reliance on the letter dated 19.02.2016 of the Principal Secretary of the APPSC wherein he stated that, having considered the reply of IGNOU and the relevant facts, the APPSC had decided to consider B.Tech. in Civil (Construction Management) offered by IGNOU as equivalent to B.Tech. in Civil Engineering of regular universities.

In the light of the above facts, both the aspects raised in this writ petition, which were decided in favour of respondents 1 to 7 by the Tribunal, stand settled. No issue survives, therefore, for fresh consideration at this stage.

The writ petition is accordingly dismissed. Interim order dated 22.10.2016 shall stand vacated. Pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.



SANJAY KUMAR, J

M. GANGA RAO, J

6th November, 2018
sur