

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-20576-2012 (O&M)

Date of Decision:-01.05.2018.

Sh. Vinod Kumar and others

.....Petitioners

Versus

NHPC Limited (Government of India Enterprise, Formerly known as National Hydroelectric Power Corporation Ltd.) and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present: Mr. R.C. Sharma, Advocate for the petitioners.

Mr. Gaurav Chopra, Advocate for the respondents.

P.B. BAJANTHRI, J. (Oral)

In the instant writ petition, petitioners have sought for the following relief:-

“i) a writ in the nature of certiorari, mandamus or any other appropriate writ, order or direction thereby setting aside the impugned circular No.NH/DPC-2012/1411 dated 01.10.2012 (Annexure P-10) issued by respondent no. 2, whereby the Petitioners, despite being eligible in all respects for being considered for the Promotion to the post of Senior Manager from the existing position of Manager, in terms of seniority, qualifying service in the feeder cadre and academic qualification, have not been called for the interview to be held on 12.10.2012 and 13.10.2012, by Departmental Promotion Committee,

ii) And a writ in the nature of mandamus directing the respondents to consider the Petitioners for Promotion by including their names in the list of officials to be interviewed by the DPC on 12.10.2012 and 13.10.2012 on the basis of their qualification, considering their B.Tech degrees valid for all intents and purposes;

iii) And an interim direction may kindly be issued to the respondents to call the Petitioners for the interview for the purpose of promotion to be held by Departmental Promotion Committee on 12.10.2012 and 13.10.2012, to consider them for promotion at par with their counterparts/juniors,”

Issue in the present matter was subject matter before the Apex Court in the case of **Orissa Lift Irrigation Corporation Limited Vs. Rabi Sankar Patro and others** which was decided on 3.11.2017 and it is reported in **(2018) 1 SCC 468**. With reference to the acquisition of degree in Engineering with the deemed University, Supreme Court has extended certain benefits i.e. to such of those who have been enrolled between 2001 to 2005 were extended the benefit of participation in the examination to be conducted during the month of May and June, 2018 by the All India Council for Technical Education (for short “the AICTE”). First petitioner's case would cover under para 58 of the judgment, therefore, he is permitted to participate in the process of examination to be conducted during the month of May and June, 2018 by the AICTE. If he succeeds, in that event, he is entitled to consequential benefits from the inception. Insofar as petitioner Nos.2 and 3 are concerned, their case is covered under para 59 to the extent that degree in Engineering awarded by the deemed University concerned through distance education mode shall stand recalled and be

treated as cancelled.

Accordingly, writ petition stands dismissed insofar as petitioner Nos.2 and 3 are concerned.

With the above observations, petition stands disposed of.

(P.B. BAJANTHRI)
JUDGE

May 01, 2018.
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Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.