

**CM No.15731-CWP of 2018 in/and
CWP No.14332 of 2015 (O&M)**

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**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**CM No.15731-CWP of 2018 in/and
CWP No.14332 of 2015 (O&M)
Date of Decision: 22.11.2018**

Rakesh Kumar Bhonsle

... Petitioner

Versus

State of Haryana and another

... Respondents

CORAM:- HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. Sanjiv gupta, Advocate,
for the petitioner.

Mr. Pankaj Mulwani, DAG, Haryana.

ARUN MONGA, J.(ORAL)

CM No.15730-CWP of 2018

Allowed as prayed for, subject to all just exceptions.

CM No.15731-CWP of 2018

Prayer in the instant application is for disposal of the
main writ petition.

Learned counsel for the applicant/petitioner contends
that in view of the decision rendered by the Hon'ble Supreme
Court titled as *Orissa Lift Irrigation Corporation Limited Vs.
Rabi Sankar Patro and others, AIR 2017 SC 5179* and also in view
of special examination conducted by All India Council for
Technical Education (AICTE) and University Grants Commission
(UGC) in compliance of the directions issued by the Hon'ble
Supreme Court, the petitioner has successfully qualified the said

examination as reflected from Annexure P-22.

In view thereof, learned counsel for the petitioner contends that respondents be directed to consider the case of the petitioner for promotion afresh keeping in view the judgment rendered by the Hon'ble Supreme Court, *ibid* as also giving credence to his having qualified the examination conducted by AICTE and UGC. He further contends that similarly situated persons who had approached this Court by way of filing CWP No.11789 of 2010 have been granted benefit as claimed by the petitioners vide order dated 08.08.2018. The relevant of the said order of this Court in CWP No.11789 of 2010 is extracted hereinbelow for ready reference:-

“In Orissa Lift Irrigation Corporation Limited Vs. Rabi Sankar Patro and others, AIR 2017 SC 5179 the Supreme Court in para 47 held that if candidates who were enrolled during the academic sessions 2001-2005 if they clear the test/tests to be held as per directions in the judgment and within the stipulated time, all the advantages or benefits shall be restored to the concerned candidates. In the civil miscellaneous application No.11090 of 2018 duly supported by an affidavit, it is deposed that petitioners No.1, 3, 5 and 7 have passed the examination conducted by All India Council for Technical Education (AICTE). The result cards have been placed on record as Annexures P-23 to P-26. It may be recorded that they had earlier earned their B.Tech degrees through distance education from

J.R.N. Rajasthan Vidyapeeth University. When the test in Orissa Lift Irrigation Corporation Limited is satisfied with the passing of the special examination in Engineering then the present petition qua these petitioners deserves to be allowed. Their degrees will be treated as valid in service matters including promotion etc.”

Keeping in view the aforesaid submissions as also the decisions rendered by the Hon'ble Supreme Court and this Court in CWP No.11789 of 2010, application is allowed.

Respondent No.1 is directed to pass fresh orders in respect of the promotion of the petitioner within a period of 02 months from the date of receipt of a certified copy of this order.

Main Case

With the consent of learned counsel for the parties, the date in the main petition is pre-poned from 24.01.2019 and the same is taken up on Board today itself.

In view of the prayer made in the application which is already allowed, the main writ petition stands disposed of.

Since the main writ petition is disposed of, pending applications, if any, shall also stand disposed of.

**(ARUN MONGA)
JUDGE**

22.11.2018

vandana

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No