

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

CWP No. 21916 of 2012

Date of Decision: 27.08.2018

Ravinder Singh Dhanda

...Petitioner

Vs.

State of Haryana and another

...Respondents

CORAM:- HON'BLE MR.JUSTICE RAJIV NARAIN RAINA

Present: Mr. P.K. Chugh, Advocate for the petitioner.

Mr. Harish Rathee, Senior DAG Haryana.

RAJIV NARAIN RAINA, J. (Oral)

This matter was adjourned sine die awaiting the decision of the Special Leave Petition against the judgment of the Division Bench of this Court in CWP No. 1640 of 2008 titled 'Kartar Singh Vs. Union of India and others'. The Supreme Court pronounced the judgment in Orrisa Lift Irrigation Corporation Limited Vs. Rabi Sabkar Patro and others, 2018 (1) SCC 468 declaring B. Tech degrees obtained from Rajasthan Vidhyapeeth University Udaipur, Rajasthan as invalid having been obtained through distance education mode while holding that technical degrees had to be acquired through regular studies on campus. The department denied promotion as well as 1st ACP pay scales to the petitioner for the reason that the degree on the basis of which promotion was claimed was not valid since it was earned through distance education.

It is prescribed in the Departmental rules that a person has to possess one of the degrees as a regular full-time student from a

university, or possesses degree of the AMIE(India) and has rendered eight year service as Sub Divisional Officer (Group B service) and passed the departmental examination of Group B service. The petitioner has earned Civil Engineering through distance mode from Rajasthan Vidhyapeeth University Udaipur, Rajasthan in the year 2006, and, therefore his case falls under those directions of the Supreme Court in Orrisa Lift Irrigation Corporation Limited case (Supra) where a special test was ordered and students who obtained technical degrees through distance education mode after academic session 2001-2005 shall be put to special test as directed by the Supreme Court by way of one time relaxation to be conducted the authorities (AICTE) and in the event of their clearing the examinations, the advantages/benefits shall be restored to these successful candidates and their degrees will stand revived for service benefits. In case the petitioner has appeared and cleared the test, only then he would have a right of consideration in accordance with law as per judgment in Orrisa Lift Irrigation Corporation Limited case (Supra).

Accordingly, the petition is disposed of in terms of the aforesaid judgment.

(RAJIV NARAIN RAINA)
JUDGE

27.08.2018

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Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*