

\$~73

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 5548/2018 & C.M. No.21617/2018**

RAJESH KUMAR MEHTA & ORS Petitioner
Through **Mr.Yuvraj Samant, Adv. with**
Ms.Neha Amola, Adv.

versus

UNION OF INDIA & ORS Respondent
Through **Ms.Suparna Srivastava, CGSC**
with Mr.Tushar Mathur, Adv.
for R-1.
Mr.Manoj Ranjan Sinha, Adv.
for R-2.
Mr.Anil Soni, Adv. for R-3.
Mr.Saurabh Chauhan, Adv. for
R-4.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

%

22.05.2018

Vide the present petition, the petitioners have sought a direction to the respondents to postpone the examination being conducted by the All India Council for Technical Education (AICTE) on 03.06.2018, pursuant to a decision dated 03.11.2017 of the Supreme Court in the case of **Orissa Lift Irrigation Corporation Ltd. and Orr Vs. Raki dankar Parto & Ors. [Civil Appeal Nos.17869-70/2017]**. The petitioners have also sought a direction to the respondents to reduce the syllabus for the said examination.

Vide its decision dated 03.11.2017 in the case of Orissa Lift Irrigation (*supra*), the Hon'ble Supreme Court had held that the permissions granted by the Distance Education Counsel to deemed universities, to conduct courses through distance mode of education that result in the awarding of engineering degrees, were illegal. However, instead of directing annulment of the degrees awarded by such deemed universities to students admitted during the academic sessions 2001-2005, the Supreme Court granted an opportunity to these students to appear in an appropriate examination to be conducted by the AICTE.

The Court observed that the said exam should ideally be held during May/June 2018 and, accordingly, directed Respondent No. 1/AICTE to devise within one month, the modalities for conducting the appropriate tests, including written as well as practical examinations, covering all the concerned subjects for the students admitted during the academic sessions 2001-2005. The Supreme Court had left it entirely to the discretion of the AICTE to decide not only the date of the examination but also all other modalities as it may think appropriate for conducting the same. Furthermore, the tests in this behalf were directed to be conducted by the National Institute of Technical Education in the states where the students were located, and it was clarified that such students who were eligible to appear in the said examination, may be granted two opportunities to clear the said examination, and in case they do not pass the said tests even after two opportunities,

their degrees would stand recalled and cancelled.

It transpires that pursuant to the decision of the Supreme Court, the Respondents issued a public notice dated 02.12.2017, notifying the students who wished to appear in the said examination, to register themselves for the same on or before 15.01.2018. The said notice also specifically stated that the concerned examination is likely to be conducted in May/June 2018.

After the Petitioners had registered themselves for the said examination before the deadline of 15.01.2018, the AICTE published the syllabus for the theory examination in January 2018, and for the practical examination in February 2018 and thereafter, the AICTE scheduled the said examination on 03.06.2018.

Learned counsel for the petitioners submits that the syllabus, as put up on the website of the AICTE in January, 2018, appears to be very exhaustive and it may not be possible for the petitioners, who are Engineering Graduates belonging to the years 2001 to 2005, to cover up the said syllabus in a short span of time.

On the other hand, Mr. Anil Soni, learned counsel who appears on advance notice for respondent no.3, submits that the said respondent is conducting the said examination strictly in accordance with the directions of the Supreme Court. He further submits that the syllabus for the said examination has been carefully formulated keeping in view the fact that the

prospective examinees have obtained their engineering degrees fourteen to eighteen years ago. He further submits that after filing of similar petition before this Court, a High Level Committee had once again considered the matter and had come to the conclusion that the syllabus and the examination papers were in accordance with the directions of the Supreme Court.

In view of the aforesaid statement made by learned counsel for the respondent no.3, learned counsel for the petitioners on instructions does not press the present petition. In case the petitioners are aggrieved at a later stage, it will be open for them to take appropriate steps as permissible under law.

The present petition and application are disposed of as not pressed.

REKHA PALLI, J

MAY 22, 2018/aa