

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.2468 of 2019
Date of Decision:01.10.2019

Vikas Sharma

... Petitioner

Versus

Union of India and others

... Respondents

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

Present: Mr. Sandeep Wadhawan, Advocate,
for the petitioner.

Mr. H.S. Baidwan, Advocate,
for respondent No.1.

Mr. P.S. Bawa, Advocate,
for respondent No.2.

None for respondent No.3.

RAJIV NARAIN RAINA, J.(Oral)

1. The petitioner has earned his B.Tech. Degree in Civil Engineering in December 2009 through the open and distance education learning mode (ODL) from the Institute of Advanced Studies, Gandhi Vidya Mandir Sardarshahr, Rajasthan (IASE) studying in its Study Centre at Jalandhar, Punjab situated in a room which does not enjoy the status of a recognized engineering college and is, therefore, directly hit by the law in Kartar Singh Vs. Union of India, CWP 1670 of 2008 decided on 06.11.2012 which did not accord recognition to IASE to confer on students valid engineering degrees in off campus study centres. The judgment and order of the Division Bench of this Court has been affirmed by the Supreme Court on 03.11.2017 in the matter of Orissa Lift Irrigation Corp. Ltd v. Rabi Sankar Patro, (2018) 1 SCC 468 with certain modifications and directions granting a one-time relaxation in favour of those candidates who were enrolled during the academic years 2001-2005

in deemed universities to pursue Bachelor of Engineering, Bachelor of Technology and Diploma courses through open learning and who, in terms of the judgment are eligible to appear at the test to be conducted by the All India Council of Technical Education, New Delhi. But those modifications and chances to appear and qualify the special test of proficiency do not help the petitioner when he has not appeared and passed the special test/s conducted twice over under Supreme Court directions. As a result of possessing the degree acquired through distance education he has been told off by respondent No.2-The Institution of Valuers of India (IOV) that he cannot be registered as an Approved Valuer (Associate) and obtain membership for want of satisfying the prescribed educational and eligibility conditions; which is the only direction sought in the petition i.e. to admit the petitioner on the rolls of the IOV as an Associate Member by impugning the refusal order dated 07.03.2012.

2. The IOV demand a regular graduate degree in engineering from a recognized University or Institution earned through regular campus attendance at the university or a deemed to be university level and housed within their territorial jurisdiction studying for the entire duration of the course. Besides, AICTE in its reply say that the Ministry of Human Resources Development have dissolved DEC under the IGNOU and thereafter the UGC/AICTE stand empowered as a regulator of technical education. IOV in its reply have stated that the B.Tech/B.E programme through distance mode has been stopped since 13.08.2009. Moreover the certificate dated 24.02.2010 issued by the IASE which was produced in the application was provisional and copy of the original was never produced. It may be noticed that the single bench judgment relied

upon by the petitioner in CWP 6243 of 2010 titled 'Swaran Singh and Others v. The Punjab State Electricity Board decided on 27.01.2012 is no longer good law with the judgment of the division bench in *Kartar Singh* (supra) decided subsequently and affirmed by the Supreme Court as stated in paragraph 1 above.

3. The prayer for setting aside the order of rejection of application dated 07.03.2012 and consequently for issuing a writ of mandamus to the respondent to grant membership as an associate to the petitioner cannot be acceded to in view of the above settled legal position.

4. Accordingly, I find no merit in the present petition warranting interference and would dismiss the same.

01.10.2019

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**(RAJIV NARAIN RAINA)
JUDGE**

Whether speaking/reasoned

Yes

Whether reportable

Yes/No