

139

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-24426-2019 (O&M)
Date of decision : 05.09.2019

Ram Parkash and others

... Petitioners

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Pankaj Maini, Advocate
for the petitioners.

AMIT RAWAL, J. (ORAL)

Grievance of petitioners, six in number, in present writ petition, is that the respondents have not implemented the order of Hon'ble Supreme Court in correct perspective as they are diploma-holders from Deemed to be Universities through Distance Education Mode. Controversy before Hon'ble the Supreme Court was only with regard to degrees and not diploma. In this regard, Mr. Pankaj Maini, learned counsel appearing on behalf of the petitioners has drawn attention of this Court to clarification by Hon'ble the Supreme Court, in its order dated 22.01.2018, which reads as under:-

"3. It is true, as is evident from paragraphs 34 and 46 of the judgment that the controversy in the present case pertained to validity of degrees in Engineering conferred by the Deemed to be Universities through distance education mode and this Court was not called upon to consider validity of diplomas conferred by such Deemed to be Universities. However the

advertisement issued by AICTE covers diploma courses as well. We therefore accept the submissions advanced by Mr. Dhruv Mehta and Mr. M.L. Verma, learned Senior Advocates and clarify that validity of such courses leading to diplomas was not the subject matter of the judgment."

The aforementioned judgment in letter and spirit is also followed by the All India Council for Technical Education, through public notice dated 14.03.2018 (Annexure P-6), by stating that student's who were enrolled during 2001-2005 and awarded Diploma by these Deemed to be Universities need not to register in view of the Hon'ble Supreme Court Judgment dated 22.01.2018.

However, vide Annexure P-11 (Colly), the persons junior to petitioners, working as linemen, have been promoted to Junior Engineer without considering the case of petitioners. In this regard, had already made a representation dated 14.05.2019 (Annexure P-9), but the same has not been decided so far.

Without going into the merits and de-demerits of the matter, I deem it appropriate that the ends of justice would be met, in case, decision by the respondents on representation of petitioners, is ascertained. Accordingly, I dispose of present writ petition with a direction to respondent No.2, to consider representation dated 14.05.2019 (Annexure P-9), by affording the opportunity of hearing to either of the petitioners and take appropriate decision thereon, in accordance with law, within a period of four months from the date of receipt of certified copy of this order.

It is made clear that if decision is not taken within the time frame, there shall be costs of ₹50,000/- to be paid to the petitioners by the

concerned Officer, who is responsible in not taking decision. However, in case, the claim of the petitioners is to be rejected, then a well reasoned and speaking order be passed and conveyed to the petitioners.

05.09.2019
Yogesh Sharma

(**AMIT RAWAL**)
JUDGE

Whether speaking/reasoned	Yes/ No
Whether Reportable	Yes/ No