



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.01.2020

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P. (MD) No.1141 of 2020

J.Ramesh Kumar

... Petitioner

vs.

1.The Chairman of Equivalence committee
Secretary to Government
Higher Education Department
Chennai

2.The Member Secretary
Tamil Nadu State Council for
Higher Education Department
Kamarajar Salai
Triplicane, Near Lady Willington College Campus
Chennai - 5

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus, directing the second respondent to place the petitioner's representation before the equivalence committee and pass resolution by granting equivalence status to his Educational Qualification (B.Tech Civil Engineering) acquired through open distance learning mode from IGNOU on par with the qualification acquired through regular stream for the purpose of employment in the light of the Hon'ble Apex Court Judgement in W.P (C).No.382 of 2018 dated 11.03.2019 by considering the petitioner's representation, dated 10.09.2018, 21.01.2019 and 19.07.2019 within a time frame fixed by this Court.

For Petitioner	: Mr.J.Senthil Kumariah
For Respondents	: Mr.C.M.Mari Chellaiah Prabhu Additional Government Pleader

O R D E R

This Writ petition has been filed for a direction to the second respondent to place the petitioner's representation before the equivalence committee and pass resolution by granting equivalence status to his Educational Qualification (B.Tech Civil Engineering) acquired through open distance learning mode from IGNOU on par with the qualification acquired through regular stream for the purpose of employment in the light of the Hon'ble Apex Court Judgement in W.P(C).No.382 of 2018 dated 11.03.2019 by considering the petitioner's representation, dated 10.09.2018, 21.01.2019 and 19.07.2019.



2.Mr.C.M.Mari Chellaiah Prabhu, Additional Government Pleader takes notice for the respondents. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

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3.The case of the petitioner is that he has obtained B.Tech Civil Engineering through Open and Distance Learning (hereinafter referred to as 'ODL') by Indira Gandhi National Open University (hereinafter referred to as 'IGNOU'). After having passed in the said Course, he was awarded with Degree of B.Tech Civil Engineering by IGNOU on 03.02.2012. Thereafter, on 22.07.2016, the Higher Education Department of Tamil Nadu based on the recommendation of 53rd Equivalence Committee Meeting and based on the policy decision taken by the All India Council for Technical Education (hereinafter referred to as 'AICTE') has passed G.O(Ms).No.149 by declaring that the candidates who possessed Diploma/B.E.Degree through Distance Education Mode shall not be considered as equivalent to the qualification acquired through regular stream. Against the policy decision, the Hon'ble Apex Court in Civil Appeal No.3697-3698 of 2018 on 10.04.2018 has passed the judgment by holding that the candidates who were admitted through distance learning up to academic year 2009-2010 may be left undisturbed. Since the petitioner's qualification was squarely covered under the above said judgment, he filed Writ petition in W.P(C).No.382 of 2018, on 30.07.2018 the Hon'ble Apex Court has followed the earlier judgment, dated 10.04.2018 and held that AICTE approval for the said course is not necessary.

4.The learned counsel for the petitioner would submit that on 25.09.2018, the Director of IGNOU has sent a letter to the petitioner by stating that the equivalence to all IGNOU degree has been granted by University Grants Commission (hereinafter referred to as 'UGC') and also in the letter, it was mentioned that as per the Hon'ble Apex Court order, dated 30.07.2018, B.Tech Degrees awarded by IGNOU do not require AICTE approval. The UGC has forwarded the letter, dated 25.01.2019 to AICTE and asked them to issue circular on the subject matter. By following the UGC letter, the AICTE has passed circular dated 13.02.2019 by recognition to B.Tech degree /Diploma awarded by IGNOU in pursuant to the Hon'ble Apex Court order, dated 30.07.2018. On 23.05.2019, the Ministry of Defence Ordinance Factory Board also by its letter, it was decided that B.Tech degree/diploma awarded by IGNOU upto the academic year 2009-2010 shall be treated as valid. In this circumstance, the petitioner has raised queries regarding equivalence of his B.Tech degree through RTI Act, the first respondent's office given a reply on 30.09.2019 stating that such process is under consideration of the Government. The grievance of the petitioner is that though he had made several representations, dated 10.09.2018, 21.01.2019 and 19.07.2019, so far no action has been taken by the respondents in

<https://hcservices.ecourts.gov.in/hcservices>, the petitioner is before this Court.



5. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents.

6. Considering the limited scope of prayer sought for in the Writ petition and without adverting to the merits of the case, the respondents are directed to dispose the representation of the petitioner, dated 19.07.2019 on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order. The petitioner is directed to enclose the copy of representation, dated 19.07.2019 along with this order copy to the respondents.

7. With the above directions, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (crl side)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Msa

To

1. The Chairman of Equivalence committee
Secretary to Government
Higher Education Department
Chennai

2. The member Secretary
Tamil Nadu State Council for
Higher Education Department
Kamarajar Salai
Triplicane, Near Lady Willington College Campus
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+1 CC to Mr.J.SENTHIL KUMARAI AH, Advocate (SR-2552[F] dated 23/01/2020)

+1 CC to SPL GP (SR-2893[F] dated 24/01/2020)

W.P. (MD) No.1141 of 2020

22.01.2020

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