

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (S) No. 3443 of 2021

1. Ram Gopal Tiwari S/o Shri P. C. Tiwari Aged About 56 Years R/o F-71, River View Colony, Koni, District Bilaspur Chhattisgarh.

---Petitioner(s)

Versus

1. State of Chhattisgarh Through The Secretary, Department Of Skill Development, Technical Education And Employment, Mahanadi Bhawan, Naya Raipur District Raipur Chhattisgarh
2. Director Directorate of Employment and Training, Indravati Bhavan, First Floor, Block No. 04, Atal Nagar, Naya Raipur District Raipur Chhattisgarh
3. Principal Industrial Training Institute, Koni, District Bilaspur Chhattisgarh

---Respondents

For Petitioner	:	Shri Vivek Sharma, Advocate.
For Respondent State	:	Shri Amrito Das, Addl. Advocate General.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

09.07.2021

1. The petitioner in the present writ petition seeks for a direction to the respondents to consider and decide his representation which the petitioner has made to the respondents seeking promotion from the date his immediate juniors were promoted to the post of Principal Class-II in the year, 2014.
2. According to the petitioner in the year, 2014 when promotion process was initiated the reason the petitioner was left out was that the Diploma that the petitioner had was issued from Indira Gandhi National Open University (in short, IGNOU) obtained under distance mode, which according to the respondents was not a valid Diploma and thereby the petitioner was not granted promotion then in the year, 2014.
3. Learned counsel appearing for the petitioner submits that the Supreme Court recently vide its order dated 18.09.2020 in WPS (Civil) No.1225 of 2019 and other connected matters taken up along with the same, had ordered that Diploma and Degree from IGNOU under distance education

mode for those who have enrolled up to the year 2011-12 are also to be treated as valid course.

4. It is the further contention of the petitioner that based upon the judgment of the Supreme Court the All India Counsel for Technical Education (in short, AICTE) also has vide its order dated 25.11.2020 decided to accept the Diploma and Degree obtained under distance mode from IGNOU of all those persons who had got themselves enrolled up till 2011-12 with the IGNOU. Therefore, now the claim of the petitioner needs to be re-considered by the respondents for grant of promotion to the post of Principal Class-II along with his juniors who were considered in the year, 2014.
5. To this limited prayer the State counsel does not dispute or oppose. However, he submits that the claim of the petitioner would be considered by the respondents in accordance with provisions of law governing the field and after due consideration of the circulars issued by the AICTE as also the order passed by the Supreme Court in the aforesaid case.
6. Given the said facts, let the respondents take an appropriate decision on the representation of the petitioner for grant of promotion to the post of Principal Class-II with effect from the date his immediate juniors were promoted in the year, 2014 at the earliest preferably within a period of 60 days from the date of receipt of copy of this order. It goes without saying that in the event if the respondents consider the representation of the petitioner in his favour, appropriate remedial steps also shall be taken in accordance with law promptly thereafter.
7. The writ petition accordingly stands disposed of.

Sd-
(P. Sam Koshy)
Judge