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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.03.2022

CORAM:

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P.No.3190 of 2021

and

W.M.P.Nos.3618 and 3620 of 2021

A.Manjunath

... Petitioner

vs.

1. Union of India,
Ministry of Home Affairs,
Directorate General, BSF (Staff Section),
Block No.04, 1st Floor, CGO Complex,
Lodhi Road, New Delhi - 110 003.
2. The Director General,
FHQ, BSF,
Block No.04, 1st Floor, CGO Complex,
Lodhi Road, New Delhi - 110 003.
3. The Deputy Inspector General (STAFF),
FHQ, BSF,
Block No.04, 1st Floor, CGO Complex,
Lodhi Road, New Delhi - 110 003.
4. The Deputy Commandant (STAFF)
FHQ, BSF,
Block No.10, 1st Floor, CGO Complex,
Lodhi Road, New Delhi - 110 003.
5. The Commandant,
Office of the Commandant,
National Disaster Response Force,
Ministry of Home Affairs,
04BN, NDRF, Arakkonam,
Suraksha Campus, Ranipet District,
Tamil Nadu.

... Respondents



Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, calling for the records of the 4th respondent dated 23.08.2018 in 49001/39/2017/staff (L) BSF and quash the same and consequently direct the respondents to absorb the petitioner in the rank of SI/JE(Electrical) with all attendant and monetary benefits.

For Petitioner : Mr.N.A.Nissar Ahmed

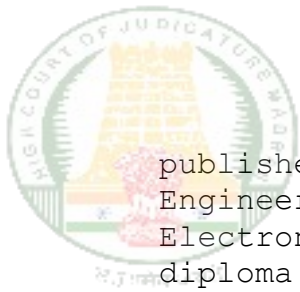
For Respondents: Dr.D.Simon,
Central Government Standing Counsel

O R D E R

This writ petition has been filed seeking to issue a Writ of Certiorarified Mandamus, calling for the records of the 4th respondent dated 23.08.2018 in 49001/39/2017/staff (L) BSF and quash the same and consequently, direct the respondents to absorb the petitioner in the rank of SI/JE(Electrical) with all attendant and monetary benefits.

2. The petitioner was awarded the Diploma in Electrical and Electronics Engineering by the Department of Technical Education, Karnataka. The Board of Technical Examination had issued Diploma Equivalency Certificate dated 04.09.2018 certifying that the Diploma in Electrical and Electronics Engineering awarded to him in November, 2009 from S J (Government Polytechnic) Bengaluru is affiliated to Board of Technical Examination, Department of Technical Education, Government of Karnataka. The Diploma course title viz., Diploma in Electrical and Electronics Engineering and Diploma in Electrical Engineering are one and the same and the course title is awarded as per the syllabus existed at that time. The petitioner made a representation to the 2nd respondent dated 16.09.2018 through proper channel for absorption, but the reason given for non-absorption is that the petitioner does not possess Diploma in Electrical Engineering. The said representation was forwarded by the 5th respondent vide letter dated 04.02.2019 to National Disaster Response Force Head Quarters, New Delhi and the same is pending. Hence, the petitioner has filed the present writ petition before this Court as against the non-absorption by the respondents.

3. The learned Central Government Standing Counsel appearing for the respondents relying on the communication of the AICTE dated 20.02.2019, wherein it is stated that as per the list



published by AICTE, in the major discipline of Electrical Engineering, diploma course with the nomenclature "Electrical and Electronics Engineering" is permissible for conducting the diploma course in AICTE approved institutions.

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4. In the earlier paragraph, it has been stated that the petitioner's course of Diploma in Electrical and Electronic Engineering, and the Diploma in Electrical Engineering are one and the same. Therefore, they denying the claim of the petitioner is untenable.

5. The respondents have filed counter affidavit by relying upon the AICTE letter dated 20.02.2019, wherein it is stated that "it is upto the employer to decide the suitability for a particular post for employment purpose" and has issued the order.

6. The petitioner submits that the representation of the petitioner dated 16.09.2018 is still pending before the 2nd respondent for considering the equivalency of the course.

7. In view of the above, this Court is inclined to direct the 2nd respondent to consider the petitioner's representation dated 16.09.2018 addressed to the 2nd respondent for considering the equivalency of the course of Diploma in Electrical and Electronic Engineering and Diploma in Electrical Engineering as one and the same. Therefore, in the interest of justice, it would be appropriate for this Court to direct the 2nd respondent to consider the petitioner's representation dated 16.09.2018 and pass appropriate orders in accordance with law, as expeditiously as possible, within a period of twelve weeks from the date of receipt of a copy of this order.

8. With the above direction, the writ petition is disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

// True Copy //

Sub Assistant Registrar

dm



To

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National Disaster Response Force,
Ministry of Home Affairs,
04BN, NDRF, Arakkonam,
Suraksha Campus, Ranipet District,
Tamil Nadu.

+1cc to M/s.N.R.Nissar Ahmed, Advocate SR.No.18639
+1cc to Dr.D.Simon, Advocate SR.No.18726

W.P.No.3190 of 2021

RSV (CO)
CB(08/04/2022)