

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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**CWP-22438-2018
Decided on : 13.05.2022**

Shri Jageshwar R Khapekar

.....Petitioner

Versus

Union of India and others

.....Respondents

**CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA
HON'BLE MR.JUSTICE VIKAS SURI**

Present: Mr. D.R. Sharma, Advocate
for the petitioner.

Mr. Sunder Singh, Advocate
for respondent Nos.2 & 3.

Mr. Nitin Kaushal, Advocate
for respondent No.4.

G.S. Sandhawalia, J. (Oral)

Challenge in the present writ petition by the petitioner is to the order dated 06.10.2016 (Annexure A-1), whereby his selection for the post of Scientist was cancelled.

The Tribunal vide order dated 23.01.2018 has rejected the case of the petitioner on the ground that the Apex Court in the judgment of **Orissa Lift Irrigation Corporation Ltd. Vs. Rabi Sankar Patro & others, 2017 (4) SCT 683** had held that degrees in Engineering awarded by the concerned Deemed Universities through Distance Education Mode shall stand recalled and treated as cancelled.

The said order has been clarified on two subsequent occasions, in Miscellaneous Applications on 22.01.2018 as reported in **2018 (2) SCC 298** and similarly on 10.04.2018 in the case of **Jawaharlal Nehru Technological University Vs. The Chairman and Managing Director**

Transmission Corporation of Telangana Ltd. and others, (2019)
13 SCC 620 and thereafter, in a short order passed in Writ Petition
(Civil) No.382 of 2018 '**Mukul Kumar Sharma and others Vs. All**
India Council for Technical Education and others' on 30.07.2018
pertaining to the Indira Gandhi National Open University.

It is the case of the petitioner that he has acquired
M.Tech. Degree in Computer Science from Karnataka State Open
University, Mysore, which was established in the year 1992 and
would be covered under the subsequent orders.

Keeping in view the fact that on account of subsequent
events the issue has been clarified, we deem it fit to remit the matter
to the Tribunal for re-consideration, as to whether the petitioner's
case would be covered under the exceptions made out, as referred
above.

The writ petition is accordingly disposed of and the
interim order dated 06.10.2016 is set aside with the aforesaid liberty.
Parties shall put in appearance before the Tribunal on 04.07.2022.

(G.S. SANDHAWALIA)
JUDGE

May 13, 2022
Naveen

(VIKAS SURI)
JUDGE

Whether speaking/reasoned :

Yes/No

Whether Reportable :

Yes/No