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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-22392-2020 (O&M)

Date of Decision: 12.09.2023

VIKRAM SINGH

.....Petitioner

V/s.

**STATE OF PUNJAB THROUGH ITS SECRETARY, DEPARTMENT
OF EDUCATION, PUNJAB AND OTHERS**

.....Respondents

CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA.

Present Mr. R.S. Kalra, Advocate,
And Mr. Randeep Singh, Advocate,
for the petitioner.

Mr. D.K. Singal, Addl. A.G., Punjab.

Mr. Salil Sabhlok, Advocate,
for respondent No.4-UGC.

Mr. Nikhil Nayyar, Advocate, assisted by
Mr. Rajat Khanna, Mr. Vijay Pratap, and
Mr. Vishal Saini, Advocates, for respondent No.5.

Mr. Ujval Mittal, Advocate,
for Mr. D.C. Mittal, Advocate,
for respondent No.6.

SANJEEV PRAKASH SHARMA, J. (Oral)

CM-3523-CWP-2021

Application is allowed and document Annexures R-5/1 and
R-5/2 are taken on record.

CWP-22392-2020 (O&M)

1. The issue raised in the present Writ Petition is no more
res integra and the same has been substantially and specifically dealt with
by the coordinate Bench of this Court in **Vikram Singh** Vs. **Subordinate**

Selection Board, Punjab and Others; 2019 (3) SCT 26, wherein the similarly situated candidates, who had obtained degree in B.Sc. Information Technology through the Distance Education mode from the Sikkim Manipal University of Health, Medical and Technological Sciences during the session 2010-2013, was considered by this Court as eligible for appointment as a Clerk/Data Entry Operator.

2. The Court passed the following order:-

7. *Having scrutinized above admitted sequel of events and hearing arguments of counsel for the parties, especially the UGC and Sikkim Manipal University, this Court finds that present petition deserves to be allowed.*

The conceded position as emerges from record of the case is that the petitioner obtained Bachelor's Degree in Information Technology through Distance Education Mode from SMU during the session 2010-2013. As per judgment dated 29.06.2015 (P-11) of Sikkim High Court as upheld by Hon'ble Supreme Court vide order dated 21.09.2015 (P-12), students who were enrolled in such courses prior to the academic session 2011-2012 and having completed degree before or thereafter, stand protected and their Degree(s) are valid. The said degree course was duly recognised by Distance Education Council vide its communication dated 06.11.2009.

8. *The petitioner cleared Punjabi and English Typing Test and thereafter, appeared for counselling. At this stage no objection was raised by Board, however, name of petitioner was not included in the final merit list. The only ground of rejection of candidature of petitioner is that he has obtained degree through Distance Education Mode. From the afore-stated undisputed facts reproduced in Para 6 coupled with reply of respondent SMU and judgment passed by*

Sikkim High Court, which has been upheld by Hon'ble Supreme Court, it is quite evident that students who were enrolled prior to Academic Session 2011-12 and have completed degree before or thereafter, stand protected and their degree(s) are valid. The petitioner was enrolled in the Academic Session of 2010-11 and he obtained Degree through Distance Education Mode in the year of 2013. It is evident that the petitioner was enrolled prior to Academic Session 2011-12 and even though he completed Degree after 2011-12 but he would be fully protected by orders of Sikkim High Court/Supreme Court and his Degree must be considered as valid. Therefore, the action of respondent-Board in treating the petitioner ineligible for appointment as clerk-data entry operator is declared illegal.

9. *In view of aforesaid findings, the present petition deserves to be allowed and accordingly allowed. The respondent-Board is directed to consider the petitioner as eligible candidate and recommend his name for appointment as per secured merit in his reserved category if falling within zone of advertised vacancies within two weeks from the date of receipt of certified copy of this order. The Punjab Government/Department concerned would issue an appointment letter within next four weeks subject to usual/standard terms and conditions, appointing the petitioner as Clerk/Data Entry Operator with effect from his junior in merit list was appointed. It is further directed that the petitioner would be entitled to consequential benefits like continuity of service, seniority etc. with effect from the date of such appointment, however, monetary benefits shall be on notional basis.*

3. The said judgment takes into consideration the orders passed by the Sikkim High Court upholding the validity of territorial restrictions but at the same time clarified that the students, who were enrolled prior to the Academic Session 2011-2012, having completed the degree before and thereafter, stood protected.

4. The SLP preferred by the UGC was decided by the Hon'ble Supreme Court upholding the view taken by the Sikkim High Court on 21.09.2015.

5. The petitioner too has acquired the said qualification of B.Sc. (Information Technology) from Sikkim Manipal University in the year 2011. Certificate to that extent has also been issued to him on 26.09.2011. Thus, he falls under the same category as above.

6. In view thereof, the Writ Petition is **allowed** and the petitioner shall be granted the similar relief as above.

7. All pending application(s), shall stand(s) disposed of.

September 12, 2023

Ess Kay

**[SANJEEV PRAKASH SHARMA]
JUDGE**

Whether speaking / reasoned : *Yes/No.*

Whether Reportable : *Yes/No*