

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

2024.PHHC.064535-DB



(104)

LPA-587-2023 (O&M)
Decided on : 09.05.2024

Suman Kumar

.....Appellant(s)

Versus

State of Punjab and others

.....Respondent(s)

**CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA,
ACTING CHIEF JUSTICE
HON'BLE MS.JUSTICE LAPITA BANERJI**

Present:- Mr. Arvind Kashyap, Advocate for the appellant.
Mr. Saurav Khurana, Addl. AG, Punjab.

G.S. Sandhawalia, Acting Chief Justice (Oral)

CM-1535-LPA-2023

Application for condonation of delay of 7 days in filing the appeal, is allowed, in view of the averments made in the application, duly supported by affidavit. Delay of 7 days in filing the appeal is condoned.

CM stands disposed of.

LPA-587-2023 (O&M)

Consideration in the present letters patent appeal is sought of the order of the learned Single Judge dated 07.02.2023 passed in CWP-27812-2013, wherein the learned Single Judge declined to quash the order dated 15.09.2013 (Annexure P-5).



LPA-587-2023 (O&M)

2. By virtue of the said order, the writ petitioner had been treated as ineligible for the post of Service Provider Trainer in construction sector, since he has diploma in Engineering from Bhartiya Shiksha Parishad, Uttar Pardesh by way of distance education. The learned Single Judge came to the conclusion that the matter was covered by the judgment of the Apex Court passed in **Orissa Lift Irrigation Corporation Ltd. Vs. Rabi Sankar Patro and others, (2018) 1 SCC 468** and, therefore, having obtained the degree from distance education mode has been held to be ineligible and, therefore, denied to grant the benefit as such.

3. The State in its reply filed in the writ petition had taken the plea that the posts of Service Provider Trainer were to be filled under Centre of Excellence Scheme and the said scheme had been closed w.e.f. 11.03.2015 by the Director General Employment and Training, Ministry of Labour, New Delhi. In the replication, the writ petitioner had taken the plea that 198 posts of Service Providing Trainers under the Centre of Excellence Scheme were absorbed in the Industrial Training Department vide order dated 29.04.2014 and, therefore, submits that had he been appointed, he might have got the benefit of absorption.

4. It has now been pointed out that it has been clarified the matter regarding diplomas were not covered by the judgment of the Apex Court in **Orissa Lift Irrigation (supra)** while referring to the order passed in **MA Nos.1795-1796 of 2017 in Civil Appeal Nos.17869-17870 of 2017**, wherein vide order dated 22.01.2018 it was held that validity of such courses leading to diplomas was not subject matter of the judgment.



LPA-587-2023 (O&M)

5. Another factor, which weighs with us for not to interfere in the order of the learned Single Judge is that since apparently the appellant himself placed on record Public Notice (Annexure P-7) issued by the University Grants Commission published in August, 2013, wherein it had identified 21 self-styled unrecognized institutions in nine States, which were functioning in contravention of the provisions of the UGC Act. All these institutions have been declared as fake and did not have any right to confer or grant degrees. For the State of Uttar Pradesh, it has been noticed that in the case of Bhartiya Shiksha Parishad, Lucknow the matter was subjudice before the District Judge, Lucknow. Thus, it is apparent that the University Grants Commission itself had acknowledged the fact that there were various institutes in the State of Uttar Pradesh including Bhartiya Shiksha Parishad, Lucknow and list of 9 instituted as such had been given which were fake, whereas the institute from the appellant himself got the diploma, the same institute was agitating regarding its recognition before the District Judge.

6. In such circumstances, we are of the considered opinion that no relief can be granted as such to the appellant in the peculiar facts and circumstances, since apparently the decision taken in the year 2013 was only on the basis of the fact that diploma was only obtained without attending any class and it was by way of distance education from the institute situated in the State of Uttar Pradesh. The said institute itself struggling to get itself recognized and mired in litigation. The decision, thus, taken at that point of time for candidates against the post which was in the form of scheme and the



LPA-587-2023 (O&M)

scheme having come to an end and the litigation at this stage is speculative as much that had he been selected he could have been absorbed.

7. Keeping in view the cumulative facts, we are of the considered opinion that it is not a fit case to proceed further. Resultantly, there is no merit in the present letters patent appeal and the same is hereby dismissed in *limine*.

(G.S. SANDHAWALIA)
ACTING CHIEF JUSTICE

(LAPITA BANERJI)
JUDGE

09.05.2024
Naveen

Whether speaking/reasoned :	Yes
Whether Reportable :	No