



W.P.No.19448 of 2023

WEB COPY

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.04.2025

CORAM:

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN
W.P.No.19448 of 2023

A. Janakiraman

...Petitioner

Vs

1. All India Council for Technical Education,
Represented by its chairman
Nelson Mandela Marg, Vasanth Kunj,
New Delhi – 110070.

2. All India Council for Technical Education,
(Southern Region)
26, Haddows Road,
Shastri Bhavan, Nungambakkam,
Chennai, Tamil Nadu 600 006.

3. Vinayka Mission's Research Foundation,
Sankari Main Road (NH-47),
Ariyanoor, Salem – 636 308.

4. The Chairman,
Tamil Nadu Generation and Distribution Corporation Ltd.,
(TANGEDCO), NPKRR Maaligai,
144, Anna salai,
Chennai – 600 002.

...Respondents



W.P.No.19448 of 2023

WEB COPY

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first and second respondents to conduct the Validation test for the petitioner with respect to his Post Graduation Degree(ME Control & Instrumentation Engineering) obtained from the 3rd respondent and pass orders.

For Petitioner : Mr. S. Sai Shankar
For Respondents 1 and 2 : Mr.B. Babu Manohar,SCGC
For Respondent 3 : No Appearance
For Respondent 4 : Mr.K.Raj Kumar

ORDER

This petition is filed to issue a Writ of Mandamus directing the first and second respondents to conduct the Validation test for the petitioner with respect to his Post Graduation Degree(ME Control & Instrumentation Engineering) obtained from the 3rd respondent and pass orders.

2. The facts of the case are that the petitioner is now working as a Assistant Executive Engineer in Cuddalore Electricity Distribution Circle. While the petitioner was working as an Assistant Engineer(Electrical) he pursued a Master of Engineering (control and Instrumentation) at Vinayaka Mission, Salem, in the academic years 2005-2007 and obtained the Master Engineering (control and



W.P.No.19448 of 2023

WEB COPY

Instrumentation) in the year 2007. The sum and substance of the case is that the Supreme Court, by an order dated 03.11.2017, fixed certain guidelines for validating the degree for persons who obtained the Graduation/Post Graduation degree between the year 2001-2005 through distance education from deemed university. The grievance of the petitioner is that, as he was under suspension during the said period, he was not aware of the said guidelines issued by the Supreme Court, due to which he was unable to attend the validation test conducted by AICTE during May-June 2018. Hence, he made a representation to the first and third respondents to provide him an opportunity to attend the said validation test, who inturn sent a reply on 16.05.2023 stating that the validation test had already been conducted and that no more than two chances would be given to a candidate, but the fact remains that the petitioner was not given a single chance. Pursuant to which, the third respondent, by way of a reply dated 06.04.2023, stated that the information related to the concerned exams were widely published and the validity test had already been conducted. Aggrieved over the reply given by the third respondent on 16.05.2023, the petitioner has come up with this petition.



W.P.No.19448 of 2023

WEB COPY

3. The learned counsel for the petitioner submits that the Supreme Court, by order dated 22.01.2018, extended the time to exercise the option to appear for the test suitably. Hence, as per the said directions, the validity test can be conducted by extending the time. He further submitted that the reason for not taking part in validation test was that he was under suspension from 12.02.2018 to 21.03.2023, and, on the other hand, the 3rd respondent did not intimate the petitioner about the validation test. Hence, prays to allow this petition.

4. The learned standing counsel appearing for the respondents submitted that in the letter of the first respondent dated 16.05.2023 in F.No.AICTE/P&AP/Misc./2023/70, they clearly stated that for the validation of suspended degrees, AICTE-UGC were directed to devise modalities to conduct appropriate test both in written as well as practical, for the concerned students admitted during the sessions 2001-2005, covering all the subjects. Not more than two chances would be given to the students and if they did not pass the examination, their degrees shall stand recalled and cancelled. Accordingly, AICTE-UGC conducted exams, for the deemed Universities in the months of June and December



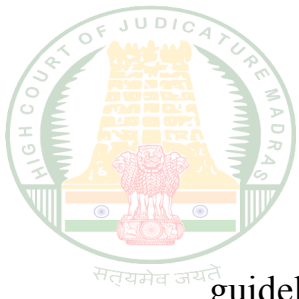
W.P.No.19448 of 2023

WEB COPY

2018 across India to validate the degrees awarded by them. The online certificate were provided to all the successful candidates, which validate the degrees awarded by the deemed Universities, and such degrees are valid in all respects as per the Hon'ble Supreme court decision dated 03.11.2017. As AICTE-UGC were mandated only to conducted no more than two chances in the months of June and December 2018 for validation of degree for deemed universities. Therefore, it is not possible for AICTE to take any action beyond the jurisdiction of Supreme court. Hence, prays to dismiss this petition.

5. I have given anxious consideration to either side submissions and perused the materials available on record.

6. On a perusal of records, it is seen from the letter dated 06.04.2023 of the 3rd respondent that the information related to the concerned exams etc., were widely published by the University, AICTE &UGC as directed, through different media. Consequently, a large number of affected candidates from all over the country appeared for the exam. Those who opted for refunds have also been considered within the stipulated time. It would be just and necessary to go through the



W.P.No.19448 of 2023

WEB COPY

guidelines issued by the Supreme Court on 22.01.2018 and the relevant portion is extracted hereunder:

We, therefore, as a one-time relaxation in favour of those candidates who were enrolled during the academic years 2001-2005 and who, in terms of the Judgment, are eligible to appear at the test to be conducted by AICTE, direct.

a) All such candidates, who wish to appear at the forthcoming test to be conducted by AICTE in May-June 2018 and who exercise option to appear at the test in terms of the Judgment, can retain the degrees in question and all the advantages flowing therefrom till one month after the declaration of the result of such test or till 31.07.2018 whichever is earlier.

b) This facility is given as one-time exception so that those who have the ability and can pass the test in the first attempt itself, should not be put to inconvenience. If the candidates pass in such first attempt, they would be entitled to retain all the advantages. But, if they fail or choose not to appear, the directions in the Judgment shall apply, in that the degrees and all advantages shall stand suspended and withdrawn. At the cost of repetition, it is made clear that no more such chances or exceptions will be give or made. They will undoubtedly be entitled to appear on the second occasion in terms of the Judgment but this exception shall not apply for such second attempt.

c). We direct AICTE to conduct the test in May-June 2018 and declare the result well in time, in terms of our directions in the Judgment and this order; AICTE shall however extend the time to exercise the option to appear at the test suitably.



W.P.No.19448 of 2023

WEB COPY

7. The core contention of the petitioner is that, as he was under suspension, he was not aware of the validation test, due to which he was unable to participate in the said test to which the respondents submit that the information related to the concerned exams etc., were widely published by the University, AICTE &UGC, as directed, through different media.

8. This Court is unable to accept the contention of the petitioner, as in this technical era, all information reaches our hands easily and speedily. Furthermore, this Court is of the view that if this petition is allowed it would amount to opening a Pandora's box and would set a wrong precedent, which this Court is not inclined to do so.

9. Therefore, the prayer sought by the petitioner cannot be granted by this Court, and this petition deserves to be dismissed. Accordingly this petition is dismissed. No order as to costs.

07.04.2025

Index: Yes/No

Speaking order/Non-speaking order

smn



W.P.No.19448 of 2023

WEB COPY

V.BHAVANI SUBBAROYAN,J.

smn

To.

1. The Chairman, All India Council for Technical Education,
Nelson Mandela Marg,
Vasanth Kunj, New Delhi – 110070.

2. All India Council for Technical Education,
(Southern Region)26,Haddows Road,
Shastri Bhavan, Numgambakkam,
Chennai, Tamil Nadu 600 006.

3. Vinayka Mission's Research Foundation,
Sankari Main Road (NH-47),
Ariyanoor, Salem – 636 308.

4. The Chairman,
Tamil Nadu Generation and Distribution Corporation Ltd.,
(TANGEDCO), NPKRR Maaligai,
144, Anna salai, Chennai – 600 002.

W.P.No.19448 of 2023

07.04.2025