



Rev.Aplw.No.18 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.07.2025

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

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1.The Principal Secretary to Government,
Highways & Minor Fort Department,
Fort St.George, Secretariat,
Chennai.

2.The Director General,
Highways Department,
Chennai.

3.The Divisional Engineer,
Highways Department,
Gobichettipalayam,
Erode District.

4.The Assistant Divisional Engineer,
Highways Department,
Sathyamangalam,
Erode District.

...Petitioners

Vs

N.Selvaraj

...Respondent

Prayer: Review Application filed under Order 47 Rules 1 & 2 of Civil Procedure Code, 1908 r/w Section 114 of CPC to review the order dated 19.07.2021 made in W.P.No.14523 of 2016.

For Petitioners : Mr.R.Neelakandan



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Additional Advocate General
assisted by Mrs.V.Yamuna Devi, SGP

For Respondent : Mr.G.Thalaimutharasu

ORDER

By an order dated 19.07.2021 passed in W.P.No.14523 of 2016, I had allowed the Writ Petition by quashing an order passed by the Assistant Divisional Engineer, Highways Department dated 04.04.2016, rejecting the petitioner's request for recording his educational qualification of Diploma in Civil Engineering (DCE) in the service book, on the ground that the DCE was not approved by University Grants Commission (UGC) or All India Council for Technical Educational (AICTE) or Distance Education Council (DEC). The reasoning adduced by me in the said order was that in Sl.No.425 in Schedule II of the Tamil Nadu State and Sub-ordinate Service Rules, Janardan Rai Nagar Rajasthan Vidyapeeth (Deemed) University, Rajasthan (JRNRV University) was recognised and since G.O.Ms.No.242, Higher Education (B1) Department, dated 18.12.2012 also recognises a Diploma through distant education as a qualification for employment and promotion, the impugned order was illegal. The order dated 19.07.2021 passed in the Writ Petition is extracted below for ready reference:-



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“By consent of both the parties, this writ petition is taken up for final disposal.

2. The petitioner herein has obtained a three year Diploma certificate in Civil Engineering from Janardan Rai Nagar Rajasthan Vidyapeeth (Deemed) University, Rajasthan, through distance education mode in year 2012. The petitioner's claim for entry of his qualification of Diploma in Civil Engineering in the service book and for consequential promotion to the post of Junior Engineer, has now been rejected.

3. The learned counsel for the petitioner submitted that, both Janardan Rai Nagar Rajasthan Vidyapeeth (Deemed) University, Rajasthan, as well as his qualification in Diploma in Civil Engineering through distance education, are recognized by the Government of Tamil Nadu and therefore, the impugned order rejecting his request for recognition of his qualification in Diploma in Civil Engineering and the consequential promotion, cannot be sustained.

4. As rightly pointed out by the learned counsel for the petitioner, Tamil Nadu State and Subordinate Service Rules has been amended through G.O.Ms.No.39 dated 30.04.2014, whereby Serial



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No.425 in Schedule (2) of the said Rules recognizes Janardan Rai Nagar Rajasthan Vidyapeeth (Deemed) University, Rajasthan. Likewise, G.O.Ms.No.242 dated 18.12.2012 also recognizes the three year Diploma obtained through distance education as a qualification for employment and promotion.

5. In the impugned order dated 04.04.2016 issued by the fourth respondent herein, it is stated that the petitioner had not supplied with certificates of recognition issued by the UGC/AICTE/DEC, recognizing the qualification of Diploma in Civil Engineering obtained by the petitioner through distance education, and therefore have refused the petitioner's request. Such a reasoning is not only unacceptable, but also opposed to the provisions of the Tamil Nadu State and Subordinate Services as well as the G.O.Ms.No.242 dated 18.12.2012. When a recognition is provided to the University under which the petitioner had obtained his Diploma in Civil Engineer through Distance Education and recognition of such three year Diploma is declared as an approval for qualification for promotion to the next post, the fourth respondent is not justified in insisting for certificates from UGC/AICTE/DEC. As such, the impugned order itself cannot be sustained.



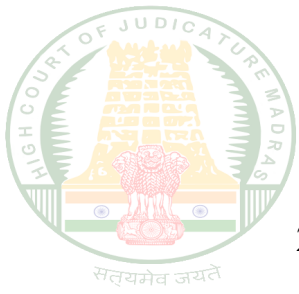
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6. *In the light of the above observations made, the impugned order dated 04.04.2016 passed by the fourth respondent herein, is quashed. Consequently, there shall be a direction to the respondents 2 to 4 to make necessary entries in respect of the petitioner's qualification, namely Diploma in Civil Engineering obtained by him through distance education mode from Janardan Rai Nagar Rajasthan Vidyapeeth (Deemed) University, Rajasthan, in the service records of the petitioner, within a period of two weeks from the date of receipt of a copy of this order. Consequently, these respondents are called upon to consider the petitioner's candidature for promotion to the post of Junior Engineer, without referring to the Diploma obtained by him in Civil Engineering through distance education from Janardan Rai Nagar Rajasthan Vidyapeeth (Deemed) University, Rajasthan, as a disqualification. In this regard, these respondents are called upon to consider the petitioner's representations dated 06.11.2015 seeking for his promotion, within a period of 12 weeks from the date of receipt of a copy of this order.*

7. *The present writ petition stands allowed accordingly. No costs."*



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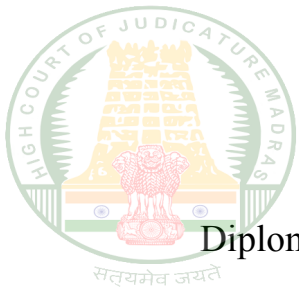
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2. In the present Review Application, the Government seeks for reviewing the order passed in the Writ Petition.

3. The learned Additional Advocate General submitted that the Diploma courses in Engineering conducted by JRNRV University has not been approved by AICTE and he has produced a copy of its circular dated 30.12.2020. According to him, this circular was not brought to the notice of this Court when the final order in the Writ Petition was passed on 19.07.2021 and therefore sought for reviewing the order passed in the Writ Petition.

4. Per contra, the learned counsel for the respondent placed reliance on the order passed in the Writ Petition and submitted that since the Rules recognise JRNRV University and a three years Diploma course obtained through Distance Education is also acceptable for the purpose of promotion, under G.O.Ms.No.242 dated 18.12.2012, the order in the Writ Petition does not require intervention.

5. When I had passed final order in the Writ Petition on 19.07.2021, the review petitioners has not brought to my notice about the existence of the circular of AICTE dated 30.12.2020, which clarifies the status of



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Diplomas in Engineering awarded through distance learning mode by four

Deemed to be Universities. Among these four Universities, JRNRV

University also finds place. The circular was issued when AICTE received

number of representations/enquiries from various Government/Private

Organizations and students regarding the recognition/validity of Diploma

in Engineering and Technology awarded through distance learning mode

by four Deemed to be Universities including JRNRV University. Therein,

it was clarified that it was the policy of AICTE not to recognize the

qualification acquired through distance mode at Diploma, Bachelors and

Masters level in the field of Engineering and Technology, etc. By holding

so, the circular clarifies that AICTE has not given approval for conducting

Diploma courses in Engineering through distance education mode to any

technical institutions and hence, the AICTE cannot validate any Diploma

awarded by these Institutions.

6. When AICTE has not recognized or approved the Diploma

courses in Engineering through distance education mode issued by JRNRV

University, *inter alia*, consideration of the DCE obtained by the writ

petitioner for the purpose of promotions will amount to recognising a

Diploma course, which has no legal sanctity, since it does not have the



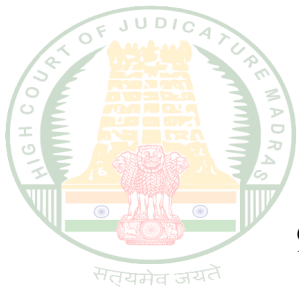
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mandatory approval from AICTE.

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7. In the final order dated 19.07.2021 passed in the Writ Petition, reliance was placed on Sl.No.425 of the Rules, wherein JRNRV University was recognized under the Rules. However, since I did not have the benefit of the AICTE circular dated 30.12.2020, specifically disapproving the Diploma course in Engineering through distance education mode of JRNRV Deemed University, I was constrained to place reliance only on the recognition of the University and not on any specific course.

8. Likewise, reliance was also placed on G.O.Ms.No.242 dated 18.12.2012, which only recognises a three years Diploma obtained through distance education mode as a qualification for promotion, which is a general direction. However, when AICTE has specifically excluded the Diploma courses in Engineering through distance education mode by JRNRV University, the DCE course obtained by the writ petitioner from the said University will not have the benefit of G.O.Ms.No.242 dated 18.12.2012. Thus, in the light of the aforesaid findings, the order dated 19.07.2021 passed in the Writ Petition requires to be reviewed.



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9. Accordingly, the original order passed in W.P.No.14523 of 2016 dated 19.07.2021 stands recalled. Consequently, the impugned order of the Assistant Divisional Engineer, Highways Department, Erode District, dated 04.04.2016 is upheld and the Writ Petition in W.P.No.14523 of 2016 stands dismissed.

10. In the result, the Review Application stands allowed.

25.07.2025

Index: Yes/No
Speaking order/Non-speaking order
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M.S.RAMESH,J.

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To

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Highways & Minor Fort Department,
Fort St.George, Secretariat,
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