



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-7368-2023

Mahender Pal and Others

.....Petitioners

VERSUS

DHBVNL through its Managing Director and others

...Respondents

1.	Date when judgment was reserved	06.05.2026
2.	Date of pronouncement of judgment	19.05.2026
3.	Date of uploading judgment	19.05.2026
4.	Whether operative part or full judgment is pronounced	Full
5.	Delay, if any, in pronouncing of full judgment and reasons thereof	Not applicable

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present:- Mr. Lokendra Singh, Advocate
for the petitioners.

Mr. Jagbir Malik, Advocate with
Mr. Shivam Malik, Advocate
for respondents No.1 and 2.

Mr. Nitin Kaushal, Advocate and
Mr. Sahil, Advocate
for respondent No.3-AICTE.

**HARPREET SINGH BRAR, J. (Oral)**

1. The present writ petition has been filed under Articles 226/227 of the Constitution of India for the issuance of writ in the nature of *Mandamus* directing the respondent Nos. 1 and 2 to treat the B.Tech. Degrees (Annexure P-1 to P-5) of the petitioners, acquired between 2007 to 2010, as valid from the date of their original acquisition instead of the date of passing the validation exam conducted by the AICTE-UGC in December 2018, as per the mandate of the judgment passed by the Hon'ble Apex Court in *Orissa Lift Irrigation Corporation Limited Versus Rabi Sankar Patro AIR 2017 SC 5179* (hereinafter referred to as 'Orissa Lift I') and also in light of the clarification dated 19.09.2022 (Annexure P-13A) issued by AICTE. It is further prayed that a writ in the nature of *certiorari* be issued for quashing the impugned memo dated 06.09.2019 (Annexure P-11) or any other order/letter on similar reasoning, which treats the B.Tech. Degrees of the petitioners as valid w.e.f. December 2018, i.e., from the date of passing of the Exam conducted by UGC-AICTE. It is also prayed that the respondent Nos. 1 & 2 be directed to accept the claim of the petitioners for inclusion in the ranking list and for consequential promotion and other service benefits including promotion to the post of Assistant Engineer/SDO w.e.f. the due date.

CONTENTIONS

2. Learned counsel for the petitioners inter alia contended that the



petitioners are working as Junior Engineers (JE)/JE-I (Electrical) in Dakshin Haryana Bijli Vitran Nigam Ltd. (DHBVN). The petitioners graduated from J.R.N. Rajasthan Vidyapeeth University with B.Tech. degrees in Electrical Engineering between the years 2007 to 2010 (Annexure P-1 to P-5). It was argued that the Hon'ble Supreme Court in *Orissa Lift I (supra)* suspended the Engineering degrees awarded through distance education mode by four Deemed to be Universities, including JRN Rajasthan Vidyapeeth. However, the Apex Court directed that an examination be conducted by AICTE and held that if the students clear the test/tests within the stipulated time, all advantages/benefits shall be restored to them and their degrees will stand revived fully.

3. Learned counsel submitted that the petitioners participated in the special validation examination conducted by AICTE-UGC in December 2018 and successfully cleared the same (Annexure P-1A to P-5A). The crux of their grievance is that DHBVN, through the impugned memo dated 06.09.2019 (Annexure P-11), is treating the degrees as valid only from December 2018 (the date of passing the validation exam) and not from the date of their original acquisition.

4. It was argued that the above interpretation is erroneous and causes grave prejudice to the petitioners. It was submitted that for promotion to the post of Assistant Engineer, three years of experience as a Junior Engineer is required, and this experience is to be counted after acquiring a



Bachelor of Engineering degree. By treating the degrees as valid from December 2018 instead of the original dates (which range from 2007 to 2010), the petitioners are losing 10-14 years of seniority. Consequently, juniors are stealing a march over them, and their names are not being reflected in the tentative ranking lists (Annexure P-18 and P-19). Learned counsel placed reliance on the clarification dated 19.09.2022 (Annexure P-13A) issued by the All India Council for Technical Education (AICTE), the apex body regulating technical education. It was highlighted that the AICTE has clearly stated that upon passing the degree validation examination, the degree shall stand validated from the date of acquiring the degree certificate from the respective deemed to be University.

5. Finally, it was submitted that the issue is no longer *res integra*, as this Court in **CWP No. 23356 of 2022**, has already held that the stand of the State regarding prospective validation of a degree (i.e., from the date of passing the validation exam) is incorrect and based on a misreading of the Supreme Court's judgment in the *Orissa Lift I (supra)*. Reliance is also placed on the judgement of Coordinate Bench of this Court in **CWP-13364 of 2021**, titled as '*Joginder Singh Mor and ors vs. Managing Director, UHBVNL and ors.*'

6. *Per Contra*, learned counsel for respondent No. 1 & 2 submitted that the issue in hand has already come up for consideration before this Court in **CWP No. 6704 of 2021** (Annexure R-1/1) titled as



‘Gurmeet Singh Baggri and others vs. Punjab State Corporation Ltd. and others,’ wherein it has been categorically held that the degree will be considered valid from the date of passing of the Exam conducted by AICTE-UGC. It has also been brought to the attention of this Court that the aforesaid judgement has been upheld by the Division Bench of this Court in **LPA No. 1284 of 2023.**

OBSERVATION & ANALYSIS

7. Having heard the learned counsel for the parties and perusing the record with their able assistance, this Court is of the considered view that the issue involved in the present case stands squarely covered by the judgement of this Court in ***Gurmeet Singh Baggri (supra)*** which has been upheld by the Division Bench of this Court in **LPA No. 1284 of 2023.** The Co-ordinate Bench of this Court has held as follows in this regard:

“13. Admittedly, the petitioners did not appear for the test conducted in June, 2018 and they had appeared in the tests, which were conducted in December, 2018.

14. Perusal of Regulation 10.7 of the Punjab State Electricity Board, Service of Engineers (Electrical) Regulations, 1965) would give the following recital:-

"10(7): 14% of the cadre posts of A.Es shall be reserved for departmental employees (Technical Subordinates and Drawing Staff) possessing AMIE/Degree in Electrical/Electronics and Communication/Mechanical/Instrumentation Control/Computer Science Engineering and who have completed three year service in that capacity."

15. Evidently, 14% of the cadre posts of the Assistant Engineers are to be kept reserved for Technical Subordinates, possessing degree in



Electrical, who have completed three years service in that capacity.

16. In view of aforesaid, candidates possessing degrees before their recruitments and they had not obtained their degrees from distance education mode and they had attained three years service in the year 2017, would form the aforesaid group of employees. The petitioners are in the group of employees, who had cleared the eligibility test in December, 2018 only and that too, in the second chance/attempt. They did not appear in the first chance. In view of clarificatory note appearing in the circular No.1/2016 dated 11.02.2016, three years service will be counted after the date of declaration of result of the acquired requisite qualification, while maintaining the seniorities in 14% AMIE/degree holder quota of Technical Subordinates. Therefore, in view of directions issued by the Hon'ble Apex Court in para No.66 of the Judgment dated 03.11.2017 and further clarified vide order dated 22.01.2018 and in view of the fact that the petitioners have passed the tests conducted by AICTE in second attempt, which was held in December 2018, the eligibility of the petitioners for the posts of Assistant Engineers would fall on completion of three years of service from the date of passing of B.Tech Degree i.e. after three years from December 2018 in December 2021, therefore, the names of the petitioners have not been included in the final seniority list of 14% degree holders/technical subordinates for the period from 01.01.2017 to 31.12.2017.

17. As per stand taken by the respondent No.1, the petitioners No.1, 2 and 3 got enrolled in IASE, Sardarshahar (Rajasthan) deemed University in July, 2005 in the academic year 2005-06, whereas the petitioner No.4 was enrolled in 2005 and the petitioner No.5 was enrolled in 2008. Only those students who had taken admissions during academic years 2001-05 were eligible to appear in the test to be conducted by AICTE. The petitioners No.1 to 3 did not have any B.Tech qualification from the deemed University during the academic years 2001-2005 and as such, they were not eligible to appear in the test conducted by the AICTE. All the petitioners did not avail the first chance by appearing in the test for the reasons best known to them. All of them were allowed to appear in the test in December 2018, where they were declared successful and their



degrees were validate only in the year 2018. The respondent-Corporation prepared a tentative seniority list/final list for the promotion to the post of Assistant Engineer. Under Regulation 10.7, 14% quota was reserved for degree holders with three years experience, therefore, the names of the petitioners were not included being not eligible.

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19. Evidently, grant of any degree for students enrolled post to academic year 2004-05 was held as contrary to the judgment in Orissa Lift Irrigation Corporation Ltd. case (supra) and could not be treated as regular and at par with regular degrees, therefore, para No.49 of the said judgment would not be of any avail to such candidates. In Orissa Lift Irrigation Corporation Ltd. case (supra), no relief was granted to the candidates who had taken admission in 2005 or thereafter. The relief in the form of one time relaxation in the examination to be conducted by AICTE was granted to those candidates, who had taken admissions in the year beginning from 2001 and till 2004-05.

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25. The entire case of the petitioners is that they had undertaken the test conducted by AICTE in the month of December 2018 in view of directions issued by the Hon'ble Apex Court in Orissa Life Irrigation Corp. Ltd. case (supra). It is own case of the petitioners that they did not appear for the test conducted in June, 2018. They had already appeared in the tests, which were conducted in December, 2018. In view of para No.58 of the judgment in Orissa Life Irrigation Corp. Ltd. case (supra), choice was to be given to the students to appear in the examination which ideally should be conducted during May-June 2018. Not more than two chances were required to be given to the students concern. In order to clear the validation test, the students ought to have firstly appeared in the first examination, which was to be conducted in May- June 2018 as per orders of the Hon'ble Apex Court. It was not permissible for the students to straightway appear in December 2018 examination, which was virtually as a re-appear chance to be given to those who would not clear the test in June



2018. The petitioners did not avail the first chance. The admission of the petitioners No.1 to 3 in the academic sessions 2005-06 is evident on record and they are not entitled to any protection of the judgment in Orissa Life Irrigation Corp. Ltd. case (supra) because those students who were lastly enrolled in the academic sessions 2004-05 were entitled for the said benefit.

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27. The petition is completely silent as regards academic session 2005-06 and not 2004- 05. The petitioners have not approached this Court with clean hands and they have concealed the material facts. The petitioners have not disclosed the date of admission or to which academic year did they take admission for pursuing B.Tech (Electrical) degree through distant education mode. The date of admission and academic years are material information to be disclosed by the petitioners in order to determine the eligibility of the petitioners for the benefit in question.

28. The petitioners No.1 to 3 are outrightly beyond consideration in view of judgment of the Hon'ble Apex Court having taken admission in academic session 2005-06. As regards the remaining two petitioners, it has been projected that they have taken admission in January, 2005 whereas there is no admission during the said part of the year. Admissions take place in the beginning of session 2004-05. These petitioners in collusion with their respective Universities carrying on these unrecognized courses intentionally showed them admitted in January 2005, which is at the verge of completion of academic year. Without attaining any proper classes, it would be highly imaginary to see that the students would get the requisite degree having studied only for few months. These Universities were already subject matter of CBI investigation as is evident from the order of the Hon'ble Supreme Court in Orissa Life Irrigation Corp. Ltd. case (supra).

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31. As per 1965 Regulations, the employees working under the respondent No.1 can avail the benefit of promotion in accordance



*with two promotion channels i.e. Regulation 10.1 or Regulation 10.7 of 1965 Regulations subject to eligibility and qualification. In the present case, the controversy is in respect of 14% quota reserved for departmental employees possessing AIME/degree in electrical/electronic and communication, who have completed three years service in that capacity. Three years service will be considered to be completed as qualified technical subordinates i.e three years service will be counted after the date of declaration of result of acquired requisite qualification while maintaining the seniority in 14% AIME/degree holder quota of technical subordinates. The petitioner No.3 Surjit Singh has already been promoted to the post of Assistant Engineer vide order dated 06.06.2021 through promotion channel stipulated under Regulation 10.1 of 1965 Regulations. Similarly, the petitioners No.1, 2, 4 and 5 have already been promoted to the post of Assistant Engineer as per Regulation 10.1 of 1965 Regulations. **Their claim based on Regulation 10.7 of 1965 Regulations is found to be unsustainable for want of requisite experience of three years in that capacity.***

(Emphasis added)

8. In view of the above, this Court is of the considered opinion that the degrees of the petitioners shall be considered valid only from December 2018, i.e., the date of passing the validation exam conducted by UGC-AICTE, and not from the date of their original acquisition. Furthermore, it must be pointed out that in the present case as well, the petitioners had appeared for the validation test only in December 2018. It is not clear as to whether the petitioners had appeared in the first examination, which was to be conducted in May-June 2018 as per the orders of the Hon'ble Apex Court.

9. Moreover, the petition is curiously silent regarding the date of admission/enrollment for pursuing the B.Tech. (Electrical) degree through



distance education mode. As noted by the Coordinate Bench in *Gurmeet Singh Baggri (supra)*, the Hon'ble Supreme Court in *Orissa Lift I (supra)* did not grant any relief to candidates who had taken admission in 2005 or thereafter. The relief, in the form of a one-time relaxation to sit for the examination conducted by AICTE, was granted only to those candidates who had taken admission in the academic years beginning from 2001 and up to 2004-05. While the petitioners in the present case graduated from J.R.N. Rajasthan Vidyapeeth University between the years 2007 and 2010, no information regarding the date of admission and specific academic years has been provided. This is material information that must be disclosed by the petitioners to determine their eligibility for the benefit in question.

10. In view of the foregoing, the respondent-corporation is directed to verify the date of admission/enrollment of the petitioners for pursuing their B.Tech. (Electrical) degrees and determine their eligibility for the benefit of validation as per the mandate of the Hon'ble Supreme Court in *Orissa Lift I (supra)*. Needless to say, in the event it is found that the petitioners had not secured admission during the academic sessions spanning from 2001 to 2005, they shall not be entitled to claim the benefit of the validation examination conducted by AICTE-UGC.

11. Accordingly, this petition stands **disposed of** in the aforesaid terms. This Court does not find any ground to interfere with the impugned action of the respondents.

CWP-7368-2023

2026:PHHC:078793



12. Pending miscellaneous applications, if any, shall also stand disposed of.

(HARPREET SINGH BRAR)
JUDGE

19.05.2026
parul verma

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No