



**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**Reserved on: 17.09.2025
Pronounced on: 30.09.2025**

1.CWP-6126-2020 (O&M)

Ram Parkash and others

....Petitioners

Versus

State of Haryana and others

....Respondents

2.CWP-16636-2020 (O&M)

Lilu Ram and others

....Petitioners

Versus

State of Haryana and others

....Respondents

3.CWP-23346-2025 (O&M)

Shamsher Singh

....Petitioner

Versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Pankaj Maini, Advocate
for the petitioner(s) in all the petitions.

Mr. Piyush Khanna, Addl. A.G., Haryana.

Mr. Anil Chawla, Advocate
for respondents No.2 to 4.
in CWP-6126-2020 & CWP-16636-2020.

HARPREET SINGH BRAR J. (Oral)

1. This common order shall dispose of all the aforementioned civil writ petitions as they arise from a similar factual matrix. However,



for the sake of brevity, the facts are taken from CWP-6126-2020.

2. The petition (CWP-6126-2020) has been preferred under Articles 226/227 of the Constitution of India seeking issuance of a writ in the nature of *certiorari* for setting-aside the order dated 21.01.2020 (Annexure P-14) whereby the representation moved by the petitioner(s) was rejected citing invalidity of the credentials in Electrical Engineering acquired through distance education mode, as well as the Notification/Letter dated 19.01.2018 and 15.02.2018 (Annexures P-5, collectively) and 19.06.2018, 28.12.2018 (Annexures P-7 collectively) passed by the respondents.

3. Briefly, the facts are that in order to claim promotion as Junior Engineer under the 25% quota reserved for diploma holders. The petitioners acquired the requisite diploma from the Institute of Advanced Studies in Education, Sadarshahar (Deemed University), Rajasthan (hereinafter 'IASE'). The respondent-Nigam considered the representation of the petitioners for promotion in terms of order dated 05.09.2019 passed in ***Ram Parkash and others vs. State of Haryana and others*** in ***CWP-24426-2019***. However, the same was rejected vide impugned order dated 21.01.2020 (Annexure P-14) stating that IASE is not a recognised institute to award Diploma in Electrical Engineering through distance education mode.

4. Learned counsel for the petitioners contends that the All India Council for Technical Education (AICTE) had issued a clarification to the respondent-Nigam vide letter dated 15.05.2019



(Annexure P-13) wherein it has been stated that the degrees awarded to students admitted after the year 2005, stands recalled. It was further clarified that validity of courses conducted by IASE, amongst others, leading to awarding of diplomas, was not the subject matter of ***Orissa Lift Irrigation Corporation Ltd. vs. Rabi Sankar Patro, (2018) 1 SCC 468***. The claim of the petitioners for promotion to the post of Junior Engineer has been rejected on the ground that the diplomas awarded to them by IASE are not recognized in view of the decision of Hon'ble the Supreme Court in ***Orissa Lift's case (supra)***. Further, the respondent-Nigam has relied upon the letter dated 21.05.2009 issued by the Chief Secretary to the Government of Haryana in the impugned order dated 21.01.2020 (Annexure P-14), however, the same only relates to the equivalence aspect of such qualifications as well as recognition of universities/institutions. Lastly, he submits that a clarification was issued in ***Orissa Lift's case (supra)*** to the effect that the said judgment only deals with degrees and not diplomas obtained through distance mode.

5. *Per contra*, learned State counsel as well as learned counsel for the private respondents submit that a clarification vide office memo No.Ch.-14/SE/Admn/REG-18-Vol-XII dated 1.10.2018 was issued by the respondent-Nigam whereby it was intimated that the Diploma in Electrical Engineering acquired from IASE through distance education mode, would not be considered valid for promotion with the Dakshin Haryana Bijli Vitran Nigam (DHBVN). Further, according to policy



dated 18.09.2002 (Annexure R-2/2) and policy dated 17.11.2003 (Annexure R-2/3), a person is only eligible for the post of J.E. (Electrical), if he/she possesses a three year diploma from any institute/university recognised by the Government of Haryana. He also submits that if certain qualification has been acquired through an institution that is not recognised by the Haryana State Board of Technical Education (HSBTE) or the Joint Committee of UGC-AICTE-DEC, the same shall not be considered valid for the purpose of promotion, as reflected vide letter No.949 dated 03.07.2012 (Annexure R-2/1) issued by the HSBTE. The AICTE vide memo dated 15.05.2019 (Annexure P-13) has also highlighted that it has always been its policy to not recognise qualifications-diplomas, bachelors or masters, obtained in the fields of engineering and technology, if acquired through distance education mode. Therefore, the petitioners will be considered for promotion under the 35% quota on a seniority-cum-merit basis as they are not eligible to be considered under the 25% quota in view of invalidity of their diploma from IASE.

6. Having heard learned counsel for the parties and after perusing the record of the case with their able assistance, it transpires that the seminal issue involved in the present case revolves around the validity of a diploma obtained from IASE through distance education mode, for the purpose of promotion with DHBVN.



7. A two-Judge Bench of the Hon'ble Supreme Court in *Orissa Lift Irrigation Corp. Ltd. v. Rabi Sankar Patro 2017(4) SCT 683*, speaking through Justice U.U. Lalit, has held as follows:

“38. Technical education leading to the award of degrees in Engineering consists of imparting of lessons in theory as well as practicals. The practicals form the backbone of such education which is hands-on approach involving actual application of principles taught in theory under the watchful eyes of Demonstrators or Lecturers. Face to face imparting of knowledge in theory classes is to be reinforced in practical classes. The practicals, thus, constitute an integral part of the technical education system. If this established concept of imparting technical education as a qualitative norm is to be modified or altered and in a given case to be substituted by distance education learning, then as a concept the AICTE ought to have accepted it in clear terms. What parameters ought to be satisfied if the regular course of imparting technical education is in any way to be modified or altered, is for AICTE alone to decide. The decision must be specific and unequivocal and cannot be inferred merely because of absence of any Guidelines in the matter. No such decision was ever expressed by AICTE. On the other hand, it has always maintained that courses leading to degrees in Engineering cannot be undertaken through distance education mode. Whether that approach is correct or not is not the point in issue. For the present purposes, if according to AICTE such courses ought not to be taught in distance education mode, that is the final word and is binding - unless rectified in a manner known to law. Even National Policy on Education while emphasizing the need to have a flexible, pattern and programmes through distance education learning in technical and managerial education, laid down in Para 6.19 that AICTE will be responsible for planning, formulation and maintenance of norms and standards including maintenance of parity of certification and ensuring coordinated and integrated development of technical and management education. In our view whether subjects leading to degrees in Engineering, could be taught in dis-



tance education mode or not is within the exclusive domain of the AICTE. The answer to the first limb of the first question posed by us is therefore clear that without the Guidelines having been issued in that behalf by AICTE expressly permitting degree courses in Engineering through distance education mode, the Deemed to be Universities were not justified in introducing such courses.

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45. It was laid down by this Court in *Annamalai University v. Secretary to Government, Information and Tourism Department and Others*, 2011(1) S.C.T. 258 : (2009) 4 SCC 590 that no relaxation could be granted in regard to the basic things necessary for conferment for a degree and if a mandatory provision is not complied with by an administrative authority, the action would be void. **This leads us to conclude that the permissions granted by DEC in the first instance allowing the Deemed to be Universities in question to introduce courses leading to the award of degrees in engineering were illegal and opposed to Law. The illegality in the exercise of power was to such an extent that it could not be cured by ex post facto approvals granted later.**

(Emphasis supplied)

7.1. Furthermore, a two-Judge Bench of the Hon'ble Apex Court in *Vinit Garg v. UGC*, (2021) 12 SCC 416, speaking through Justice Sanjiv Khanna, has held as follows:

“19. In our opinion, the petitioners and TIET, Patiala are misconstruing para 49 of Orissa Lift Irrigation Corpn. Ltd. (1) [Orissa Lift Irrigation Corpn. Ltd. v. Rabi Sankar Patro, (2018) 1 SCC 468] . The aforesaid paragraph refers to the 1994 Regulations issued by AICTE under which no courses or programmes could be introduced by any technical institution/university, including a deemed university or a university department or college, except with the approval of AICTE. In Bharathidasan University [Bharathidasan University v. AICTE, (2001) 8 SCC 676 : 1



SCEC 924] this mandate of the 1994 Regulations was declared to be bad to the extent that it had required the university to take approval for introducing any course or programme in technical education. Same opinion was expressed in Assn. of Management of Private Colleges v. AICTE [Assn. of Management of Private Colleges v. AICTE, (2013) 8 SCC 271 : 6 SCEC 255] to state that affiliated colleges of the university are entitled to the same protection. Thereupon, in Orissa Lift Irrigation Corpn. Ltd. (1) [Orissa Lift Irrigation Corpn. Ltd. v. Rabi Sankar Patro, (2018) 1 SCC 468] a distinction was made by creating two categories of deemed to be universities — Category I i.e. such deemed to be universities that have been conferred status of “excellence” in the field of technical subjects and desire to introduce courses or programmes “integrally connected” with the area of subjects for which they had been conferred deemed to be university status. Clarifying this, the Court had cited an example of an engineering college of excellence that has been conferred deemed to be university status and now wishes to introduce courses in new or specialised subjects like robotics and nanotechnology, which subjects were integrally connected to the university's own field of excellence. Category II would be of those universities that have been conferred deemed to be university status for excellence in subjects, but want to introduce new courses unrelated to the field for which they were conferred status of excellence. In the latter category, the deemed to be university cannot claim immunity from regulatory control of AICTE and must take approval of AICTE. Para 49, we would like to clarify, deals with universities including deemed to be universities imparting higher education for degree courses/programmes through regular mode. This paragraph does not specifically deal with or confer any right upon the deemed to be universities to start distance education courses, even if integrally connected with the approved regular courses.

20. The foregoing analysis becomes clear when we read *Orissa Lift Irrigation Corpn. Ltd. (1) [Orissa Lift Irrigation Corpn. Ltd. v. Rabi Sankar Patro, (2018) 1 SCC 468]* in its entirety, particularly the immediately preceding para-



*graph i.e. para 48 as quoted above, **wherein it has been specifically stipulated and mandated that whether subjects leading to degrees in engineering would be taught in distance education mode or not is within the exclusive domain of AICTE.***

*21. **In view of the aforesaid statutory provisions and lack of prior approval of the UGC or AICTE, we do not think that TIET, Patiala was competent to award graduation degrees in technical courses via distance mode.***

(Emphasis supplied)

8. However, vide order dated 22.01.2018, the Hon'ble Supreme Court clarified in *Orissa Lift's case (supra) (2018(2) SCC 298)* that the judgment dealt only with engineering degrees obtained through Distance Education and not the validity of diplomas. The operative part of the said order reads as follows:

“3. It is true, as is evident from paragraphs 34 and 46 of the judgment that the controversy in the present case pertained to validity of degrees in Engineering conferred by the Deemed to be Universities through distance education mode and this Court was not called upon to consider validity of diplomas conferred by such Deemed to be Universities. However the advertisement issued by AICTE covers diploma courses as well. We therefore accept the submissions advanced by Mr. Dhruv Mehta and Mr. M.L. Verma, learned Senior Advocates and clarify that validity of such courses leading to diplomas was not the subject matter of the judgment.”

9. This Court is of the considered opinion that such a clarification cannot be interpreted to mean that the Hon'ble Supreme Court has upheld the validity of diplomas obtained in the field of engineering by way of distance education. Further, in *Orissa Lift's case (supra)*, the Hon'ble Supreme Court permitted only those students who had acquired



degrees between 2001-2005 to appear in a validation test conducted jointly by AICTE and UGC. Significantly, the said test was not intended for students who had obtained diplomas from deemed-to-be Universities, as the validity of such diplomas did not fall for consideration in that judgment. In this backdrop, and particularly in light of the clarification dated 01.10.2018 issued by the respondent-Nigam regarding invalidity of the diplomas obtained from IASE, the petitioner(s) cannot assert a claim for promotion in the 25% quota reserved for diploma holders.

10. Furthermore, memo dated 15.05.2019 (Annexure P-13) issued by the AICTE clarifies that technical courses such as the one in question ought not to be imparted in distance education mode. Since it is clear that AICTE has not given its approval for allowing diplomas in Electrical Engineering to be obtained through distance education mode, it would be against objective standards of reason and logic to recognise the same to be valid. Moreover, the Division Bench of this Court in *Kartar Singh vs. Union of India, 2012(4) SCT 741*, after thoughtful consideration of the judgment in *CWP No. 12161 of 2006* titled as *Manoj Kumar and others vs. State of Haryana and others*, has held that in the absence of any approval either from the UGC or the AICTE or the Nursing Councils, the petitioners therein, who had obtained a diploma from a deemed to be University, cannot claim to be qualified for the purpose of public employment. The Court held that since the course was not approved by the UGC or by any other statutory



authority, the qualification/diploma granted by a Deemed University will not make such a candidate eligible for appointment. The findings of the Division Bench in *Kartar Singh (supra)* has also been affirmed by the Hon'ble Supreme Court in *Institution of Mechanical Engineers (India) Through Its Chairman vs. State of Punjab, 2019 SCC Online SC 1023*.

10.1. Further, a Division Bench of Madras High Court in *D. Elangovan and others vs. Central Administrative Tribunal and others 2025 LIC 1530*, and a Division Bench of the Bombay High Court in *Dilip and others vs. State of Maharashtra and others (Writ Petition No.4934 Of 2021, Decision dated 23.09.2022)* has refused to grant relief to the writ petitioners who had obtained diplomas in engineering by way of distance education. The relevant paragraph of the judgment in *Dilip (supra)* is reproduced as under:

“4. On hearing the learned counsel for the parties and after perusing the documents on record, **it can be seen that the petitioner Nos.1 to 5 have obtained Degrees/Diplomas from JRN Rajasthan University while the petitioner No.6 has obtained Diploma in Civil Engineering from Karnataka University through Distance Education. The Circular dated 30/12/2020 issued by the AICTE is clear that such Degrees/Diplomas awarded in Engineering through Distance Education mode were not validated. Similarly in Orissa Lift Irrigation Corporation (supra) it has been held that Degrees awarded by Deemed to be Universities were suspended. In the light of Circular dated 30/12/2020 the State Government has issued clarification on 27/12/2021. After considering that communication dated 27/12/2021, the NIT has found that the qualification acquired by the petitioners were not validated by the AICTE. The requisite qualifications acquired by each pe-**



itioner can be found in the seniority list as of 01/01/2022. We thus find from the material on record that this conclusion arrived at by the NIT is in accordance with the Circular dated 30/12/2020 issued by the AICTE and the directions issued by the State Government on 27/12/2021. We therefore do not find any illegality committed by the NIT when it refused to grant the benefit of higher pay-scale or promotion to the post of Junior Engineer to the petitioners. There is no reason to interfere in writ jurisdiction. The writ petition is thus dismissed with no order as to costs.” (Emphasis supplied)

10.2. A Division Bench of this Court in ***Virender Kumar and others vs. State of Haryana and others*** in ***LPA No. 128 of 2023*** has categorically held that all deemed to be Universities require mandatory approval of AICTE before offering technical programmes. It was further observed that even though State Universities (Government & Private) and Central Universities can run technical courses without approval of the AICTE, courses of Distance Study and Open Learning would necessarily require a No Objection Certificate from the AICTE. Speaking through Justice Sanjeev Prakash Sharma, the following as opined:

“27. The AICTE as per the queries and documents, as noticed above, had issued a public notice on 09.01.2021 wherein it was notified that all technical institutions deemed to be Universities which are offering programmes need to have mandatory approval of AICTE in accordance with Sections 10 and 11 of the Act but the State Universities (Government & Private) and Central Universities can run technical courses without approval of the AICTE but the courses of Distance Study and Open Learning would require NOC from the AICTE even for such universities. The said public notice, in our opinion, is in compliance of the order passed by the Supreme Court in *Orissa Lift Irrigation Corporation Limited vs Rabi Sankar*



Patro and others 2018 (1) SCC 468, wherein it has been held as under...” (Emphasis supplied)

10.3. In the present case, no material has been placed on record to demonstrate that IASE had secured a prior approval from the AICTE for conducting a distance learning program in the field of electrical engineering. On the contrary, as already observed, AICTE has consistently maintained that it does not recognise diplomas in Engineering offered through the distance education mode. Further, the matter is also squarely covered by the judgments passed by this Court in ***Sat Paul and others vs. State of Haryana and others*** in ***CWP-8363-2024*** decided on ***09.09.2025*** and ***Ramesh Kataria and others vs. Punjab Water Resources Management and Development Corporation and another*** in ***CWP-6507-2019*** decided on ***29.09.2025***.

11. In view of the decision of the Hon’ble Supreme Court in ***Orissa Lift's case (supra)***, this Court is of the opinion that technical education leading to award of degrees or diplomas in Engineering involves both theoretical and practical learning. The knowledge imparted in theory classes is intended to be reinforced through practical sessions. In fact, the practical aspect of the course forms the backbone of such education, as theoretical principles are applied under the supervision of qualified educators. Thus, practical aspects constitute an integral component of the process of imparting technical education. If this established concept is to be modified or replaced in any instance by distance learning, the AICTE must expressly record its satisfaction and accept such modification. It is the exclusive domain of AICTE to deter-



mine the parameters that must be satisfied to alter or modify the regular course of technical education. Any decision in this regard must be clear and unequivocal and cannot be inferred merely from the absence of guidelines. Pertinently, in the present case, AICTE has expressed its unequivocal position that diplomas in Engineering obtained through Distance Education from IASE are neither approved nor recognised.

CONCLUSION

12. In view of the above discussions, all the captioned writ petitions are dismissed. For all intents and purposes, the diplomas in engineering acquired by the petitioner(s) by way of distance education from IASE are not valid for claiming promotion with the respondent-Nigam. The petitioners or any other identically circumstanced person cannot seek employment, promotion or any other service benefit on the strength of these diplomas.

13. Pending miscellaneous application(s), if any, shall stand disposed of.

14. A photocopy of this order be placed on the files of other connected cases.

(HARPREET SINGH BRAR)
JUDGE

30.09.2025

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No