



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

**Reserved on: 22.09.2025
Pronounced on: 29.09.2025**

1. CWP-6507-2018 (O&M)

Ramesh Kataria and others

... Petitioners

Vs.

**Punjab Water Resources Management and Development Corporation and
another**

... Respondents

2. CWP-17682-2025 (O&M)

Pritpal

... Petitioner

Vs.

State of Punjab and others

... Respondents

3. CWP-20917-2018 (O&M)

Ashok Kumar

... Petitioner

Vs.

State of Punjab and others

... Respondents



4. CWP-22580-2020 (O&M)

Baldev Singh and others

... Petitioners

Vs.

State of Punjab and others

... Respondents

5. CWP-26924-2021 (O&M)

Vikas Chander and others

... Petitioners

Vs.

State of Punjab and another

... Respondents

6. CWP-27302-2024 (O&M)

Ashok Kumar Verma and others

... Petitioners

Vs.

State of Punjab and others

... Respondents

7. CWP-27845-2024 (O&M)

Jaswant Singh and another

... Petitioners

Vs.

State of Punjab and others

... Respondents



8. CWP-2805-2022 (O&M)

Thana Singh

... Petitioner

Vs.

State of Punjab and another

... Respondents

9. CWP-28069-2024 (O&M)

Amarjit Singh

... Petitioner

Vs.

State of Punjab through Secretary

... Respondent

10. CWP-28163-2024 (O&M)

Manjit Singh and others

... Petitioners

Vs.

State of Punjab and others

... Respondents

11. CWP-28166-2024 (O&M)

Gurdevinder Singh Saini

... Petitioner

Vs.

State of Punjab and others

... Respondents



12. CWP-28545-2024 (O&M)

Ashok Kumar

... Petitioner

Vs.

State of Punjab and others

... Respondents

13. CWP-28771-2024 (O&M)

Gurnaib Singh and others

... Petitioners

Vs.

State of Punjab and others

... Respondents

14. CWP-28857-2024 (O&M)

Gurjant Singh and others

... Petitioners

Vs.

State of Punjab and others

... Respondents

15. CWP-31357-2018 (O&M)

Harvinder Singh and others

... Petitioners

Vs.

State of Punjab and others

... Respondents



16. CWP-8315-2018 (O&M)

Harcharan Singh and others

... Petitioners

Vs.

Punjab Water Resource Management and Development Corporation and others

... Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. D.S. Patwalia, Sr. Advocate with
Mr. Gauravjit S. Patwalia, Advocate
Mr. Lagan K. Sidhu, Advocate
and Mr. Gaurav Rana, Advocate
for the petitioner(s) (in CWP-6507-2018 & CWP-27302-2024).

Mr. Rajeev Dev Sharma, Advocate
for the petitioner(s) (in CWP-20917-2018).

Mr. M.K. Dogra, Advocate
for petitioner (in CWP-28545-2024).

Mr. Vishal Gupta, Advocate
for the petitioner(s) (in CWP-28163 & 28069-2024,
CWP-26924-2021, CWP-2805-2022 & CWP-22580-2020).

Mr. Gurnoor S. Sandhu, Advocate
for petitioner (in CWP-26924-2021).

Mr. Ankit Midha, Advocate
for the petitioner (in CWP-27845-2024).

Mr. Baljeet Singh Sidhu, Advocate
for the petitioner(s) (in CWP-28771 & 28857 of 2024).

Mr. Rajiv Atma Ram, Sr. Advocate
with Mr. Brijesh Khosla, Advocate
for the petitioners (in CWP-31357-2018).

Mr. Mohinder Singh Joshi, Advocate
for the petitioner (in CWP-28166-2024).
Mr. Harmanjeet Singh, Advocate



for Mr. Sangam Garg, Advocate
for respondents No.2 to 10 (in CWP-17682-2025).

Mr. Pardeep Kumar, Advocate
and Mr. Karan Bhardwaj, Advocate
for the respondents (in CWP-31357-2018).

Mr. A.D.S. Sukhija, Advocate
for respondent No.3 (in CWP-31357-2018).

Mr. Neeraj Sharma, Advocate
for respondents No.4, 5 & 7 (in CWP-31357-2018).

Mr. Amit Singh Sethi, Advocate
for respondent(s) (in CWP-6507-2018).

Mr. Harmanjeet Singh, Advocate
for respondents No.2 to 10 (in CWP-17682-2025).

Mr. Navdeep Chhabra, Advocate (*Amicus Curiae*)

HARPREET SINGH BRAR, J. (ORAL)

1. This common order shall dispose of aforementioned 16 writ petitions, as they arise from a similar factual matrix. However, with the consent of the parties and for the sake of brevity, the facts are taken from ***CWP-28163-2024***.

2. The civil writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of *certiorari* for quashing of the impugned order dated 04.10.2024 (Annexure P-20) and consequent action of the respondents in reverting the petitioners from the post of Junior Engineer, on which they were promoted vide order dated 18.12.2019 (Annexure P-8).

**FACTUAL BACKGROUND**

3. Briefly stated, the petitioners are/were employees of the Water Resources Department, Government of Punjab, having rendered substantial service ranging from 25 to 30 years. They were initially appointed to technical posts such as Surveyor, Junior Draftsman, and Beldar. After obtaining due permission (Annexure P-1) from the respondent-Department, the petitioners acquired Diplomas in Engineering (Civil/Electrical) through Distance Education Mode from the Karnataka State Open University (for short 'KSOU'), Mysor (*now Mysuru*) between 2011 and 2014. KSOU is a University established by a State Act and is recognized by the University Grants Commission (UGC). The petitioner(s) in other connected matters had obtained their Diplomas in Engineering through Distance Education Mode from other deemed to be universities.

4. The respondent-Department, vide letter dated 09.06.2014 (Annexure P-3), invited names for promotion to the post of Junior Engineer under 15% quota, for which a Diploma in Engineering from a recognized institution was a requisite qualification. The claim of the petitioners for promotion was initially ignored. Subsequently, after litigation and departmental verification, they were conditionally promoted to the post of Junior Engineer vide order dated 18.12.2019 (Annexure P-8) subject to, *inter alia*, outcome of pending Court cases and final validity of their diplomas.

5. Thereafter, the respondent-Department issued a reversion order dated 11.12.2020 (Annexure P-16), reverting them and 34 other similarly



promoted employees back to their feeder cadres. The stated reason was a clarification dated 14.02.2020 (Annexure R-1) from All India Council for Technical Education (for short 'AICTE') that it does not recognize Diploma Courses in Engineering conducted through Open and Distance Learning (for short 'ODL') mode. The petitioners challenged this reversion by way of filing CWP-22264-2020 before this Court and vide order dated 16.10.2023 (Annexure P-17), the same was disposed of when the respondents undertook to withdraw the reversion order and granted liberty to pass a fresh order after affording the petitioners a reasonable opportunity of being heard.

6. In compliance of the aforesaid order (Annexure P-17), the respondents issued show-cause notice dated 15.11.2023 (Annexure P-18), to which the petitioners submitted detailed reply and were also granted a personal hearing on 19.02.2024, wherein they highlighted the specific recognition of their diplomas. Subsequently, the respondents passed the fresh impugned order of reversion dated 04.10.2024 (Annexure P-20), while relying on an AICTE clarification dated 02.09.2024. Aggrieved by the said order, the petitioners have approached this Court.

7. It is pertinent to note that petitioner No.1 Manjit Singh had already superannuated from service on 30.04.2021 and the impugned order was passed against him post-retirement.

CONTENTIONS

8. Learned counsel for the petitioner(s), *inter alia*, contended that the impugned order dated 04.10.2024 (Annexure P-20) was passed in a mechanical



manner without application of mind. The respondents failed to consider the petitioners' detailed written reply (Annexure P-19) to the show-cause notice and their oral submissions made during the personal hearing on 19.02.2024. It is argued that the petitioners' diplomas are from KSOU. The consistent and settled view of the Hon'ble Supreme Court is that for Universities established by a State Statute, it is sufficient that they conform to AICTE norms and prior approval of AICTE for a course is not mandatory. Reliance in this regard is placed on the judgments ***Bharathidasan University Vs. AICTE, 2001 (8) SCC 676***, ***Jawahar Lal Nehru Technical University Vs. Chairman & MD, Transmission Corporation of Telangana, (CA No.3697-3698/2018, decided on 10.04.2018)*** and ***Mukul Kumar Sharma Vs. AICTE, [WP(C) No.382/2018, decided on 30.07.2018]***.

9. It is further contended that the respondents' reliance on the judgment passed by the Hon'ble Supreme Court in ***Orissa Lift Irrigation Corporation Ltd. Vs. Rabi Sankar Patro and others, 2017(4) SCT 683*** (for reference ***Orissa Lift I***) is misplaced. The Hon'ble Supreme Court itself vide order dated 22.01.2018, reported as ***2018(2) SCC 298*** (Annexure P-9) (for reference ***Orissa Lift II***) clarified that the judgment dated 03.11.2017 pertained only to the validity of Degrees in Engineering conferred by deemed universities through distance education mode. The Court categorically stated that the validity of Diplomas conferred by such universities was never considered by it. Further, in ***Orissa Lift I (supra)***, the Hon'ble Supreme Court provided a pathway for affected candidates by allowing students, who obtained



degrees during 2001-2005 to appear for a validation test conducted by the AICTE-UGC. Learned counsel argued that the reversion orders have been passed without allowing the petitioners to even attempt to clear the proposed test. Moreover, in direct consequence of the Hon'ble Supreme Court's clarification dated 22.01.2018 [*Orissa Lift II (supra)*], the AICTE issued a subsequent public notice (Annexure P-8 of CWP-6507-2018) stating that the students, who were enrolled and awarded diplomas during 2001-2005 by deemed-to-be universities "need not register" for any test. This officially removed the petitioners' qualifications from the ambit of the controversy. Thus, the respondents' insistence on proceeding with the reversion, despite this conclusive clarification from the Hon'ble Apex Court and AICTE, is baseless and illegal.

10. It is also argued that the petitioners were promoted in the year 2019, after being eligible since 2012. To revert them after they have worked for nearly 05 years on the promoted post (and in one case, even after retirement) based on a subsequent clarification is arbitrary, unjust and causes immense hardship for no fault of their own. Petitioner No.1 Manjit Singh superannuated from service on 30.04.2021 and the impugned order of reversion passed against him after his retirement is legally unsustainable. The respondents lack the jurisdiction to alter his service condition post-retirement. Reliance is placed on the judgment of the Hon'ble Supreme Court in *Ram Prit Mahto Vs. State of Bihar, 2014 (4) SCT 167*. Further reliance is also placed on the Constitution Bench judgment of the Hon'ble Supreme Court in *Sivananda C.T. Vs. High*



Court of Kerala, 2024 (3) SCC 799, wherein the Court held that it will be contrary to public interest to unseat candidates, who had been selected nearly six years ago.

11. Learned counsel for the petitioner(s) further rely upon the judgment rendered by the Division Bench of this Court in **LPA No.128 of 2023** titled as *Virender Kumar and others Vs. State of Haryana and others*, decided on 12.05.2025, to contend that the Universities are not required to obtain prior approval of AICTE for commencing technical courses. It is thus argued that the diplomas awarded to the petitioners cannot be declared invalid merely on the ground of absence of such approval.

12. Learned counsel for the petitioner(s) further submitted that the judgment in *Orissa Lift I (supra)* was confined to the degrees obtained through Distance Education from four institutes, namely, J.R.N. Rajasthan Vidya Peeth, Udaipur, Institute of Advanced Studies in Education, Sardarshahar (Rajasthan), Allahabad Agricultural Research Institute, Allahabad and Vinayaka Mission Research Foundation, Salem. The Hon'ble Supreme Court held that degrees awarded by these institutes after 2005 were not recognized. The diploma from KSOU and other deemed to be universities was not under consideration before the Hon'ble Apex Court, therefore, it cannot be treated as invalid. It was further urged that declaring such diplomas invalid would virtually amount to declaring the Institute/University itself invalid, which is not the controversy in the present case. Reliance in this regard is placed on the judgment of the Hon'ble Supreme Court in *H.P. State Electricity Board Ltd. Vs. Mahesh*



Dahiya, 2017 (1) SCT 1, to contend that there has been a violation of natural justice, as the respondents, while issuing the impugned show-cause notices in the present case and in other connected matters, had already formed a pre-determined decision to revert the petitioner(s).

13. *Per contra*, learned counsel for the respondents, *inter alia*, contended that the petitioners do not possess the requisite qualification for the post of Junior Engineer as per the Punjab Water Resources Department, Junior Engineers (Group B) Services Rules, 2021 (for short ‘Rules of 2021’). The rules explicitly mandate a diploma in Civil/Mechanical/Electrical Engineering from a “State Technical Education Board or from a recognized University or institution.” The petitioners’ diplomas, not being recognized by the AICTE, do not meet this mandatory criteria.

14. Further, AICTE, the statutory regulatory authority for technical education in the country has consistently and categorically clarified that it does not recognize diploma courses in Engineering conducted through ODL mode. This stand is evident from the clarification letter dated 14.02.2020 (Annexure R-1), subsequent clarifications dated 08.01.2024, 09.02.2024 and 02.09.2024, and Circular No.AICTE/P&AP/Misc/2020 dated 30.12.2020 (Annexure R-2), which explicitly states that it is the policy of AICTE not to recognize qualifications in Engineering acquired through Distance Mode. Therefore, the petitioners’ diplomas cannot be considered as being from a “recognized” institution as required by the Rules of 2021.

15. It is argued that the initial promotion order dated 18.12.2019



(Annexure P-8) was explicitly conditional. Specific conditions (Clauses 7, 8 & 9) stated that the promotion was subject to the outcome of Court cases and the final validity of the diplomas and the competent authority reserved the right to revert the officials, if their qualifications were later found deficient. The AICTE's clarification, which definitively states that such diplomas are not recognized, is precisely the triggering event contemplated in the conditional promotion order. The reversion is thus a fulfillment of the terms under which the promotion was granted. Further, while the UGC recognizes ODL degrees, its own UGC (Open and Distance Learning) Regulations, 2017 (referenced in the public notice dated 23.02.2018 - Annexure P-13) under Part-I (2)(p) explicitly prohibit programmes in engineering, medicine, pharmacy, etc., from being offered under ODL mode, as they require hands-on training. This supports the AICTE's policy and the respondents' contention that an engineering diploma via ODL is inherently not at par with a regular course.

16. Learned counsel further contended that the judgments cited by the petitioners in ***Bharathidasan University***'s case (*supra*) and ***Jawahar Lal Nehru Technical University***'s case (*supra*), pertain to the power of AICTE vis-à-vis Universities and the requirement of prior approval. They do not declare that a diploma not recognized by AICTE must still be treated as valid for employment under specific Service Rules. Crucially, the respondents distinguish the Hon'ble Supreme Court's clarification in ***Orissa Lift II*** (*supra*). While it is true that the judgment dealt with degrees from Deemed-to-be-Universities, the AICTE's non-recognition policy for diplomas through ODL is



independent and stands on its own footing.

17. Learned *Amicus Curiae* submitted that while the Hon'ble Supreme Court in ***Orissa Lift II (supra)*** has clarified that the judgment dealt only with engineering degrees obtained through Distance Education and did not adjudicate upon the validity of diplomas, it cannot, however, be interpreted to mean that the Court has upheld the validity of such Diplomas. In ***Orissa Lift I (supra)***, the Hon'ble Supreme Court held that whether subjects leading to degrees in Engineering could be taught in distance education mode or not, is within the exclusive domain of the AICTE, which has consistently maintained that Engineering programmes cannot be undertaken through distance education mode. Reliance is also placed on the judgment of two-Judge Bench of the Hon'ble Apex Court in ***Vinit Garg Vs. UGC, (2021) 12 SCC 416***, wherein it has been held that after coming into force of 2004 UGC Guidelines, every deemed to be university would require mandatory approvals of the UGC and Distance Education Council (for short 'DEC'), for starting any degree course through ODL mode. As such, prescribing and approving authority for grant of degrees in Engineering is AICTE and not DEC. Therefore, Engineering degrees could not have been conducted by ODL mode, even if approved by DEC, as they were not approved or expressly authorized by AICTE. The Hon'ble Apex Court has categorically held that the aforementioned illegality cannot be cured even by *ex-post facto* approvals granted later.

18. Learned *Amicus Curiae* also referred to judgment passed by the Division Bench of this Court in ***Kartar Singh Vs. Union of India, 2012(4)***



SCT 741, wherein the Court held that in the absence of any approval either from the UGC or the AICTE or the Nursing Councils, the writ petitioners, ***who had obtained a diploma from a deemed to be University***, cannot claim to be qualified for the purpose of appointment under the State. 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.

OBSERVATION & ANALYSIS

19. I have heard learned counsel for the parties and perused the record of the case file with their able assistance. The seminal issue that requires to be adjudicated by this Court is whether the Diplomas in Engineering obtained from KSOU and other deemed to be Universities by the petitioner(s) by way of distance learning are valid and recognized or not.

20. The Division Bench of this Court in ***Kartar Singh***'s case (*supra*) examined the validity of technical and professional courses offered through the distance education mode by certain deemed-to-be Universities and held that such institutions cannot be equated with Universities established under a Central or State statute. It was observed that the Distance Education Council lacked the authority to permit a deemed-to-be University to impart technical education through distance education mode without the concurrence of AICTE. Further, it was clarified that IGNOU and the DEC, being primarily focused on non-formal education in the open and distance learning mode, could not have assumed the role of imparting technical education through distance education.



Subsequently, in *Orissa Lift I* (*supra*), a two-Judge Bench of the Hon'ble Apex Court, 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 distance 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)

21. Furthermore, a two-Judge Bench of the Hon'ble Apex Court in **Vinit Garg's** case (*supra*), 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 paragraph 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)

22. However, in ***Orissa Lift II*** (*supra*), the Hon’ble Supreme Court clarified that the judgment in ***Orissa Lift I*** (*supra*) dealt only with engineering degrees obtained through Distance Education and did not adjudicate upon the validity of diplomas. The Court observed 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.”

23. This Court finds merit in the argument of learned *Amicus Curaie* that the aforementioned clarification cannot be interpreted to mean that the Hon’ble Supreme Court has upheld the validity of Diplomas in Engineering acquired by way of Distance education. Further, in ***Orissa Lift I*** (*supra*), the Hon’ble Apex 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

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diplomas did not fall for consideration in that judgment. In this backdrop and particularly in light of the subsequent public notice issued by AICTE (Annexure P-8 of CWP-6507-2018) clarifying that students enrolled and awarded diplomas during 2001-2005 by deemed-to-be Universities were not required to register for any test and the petitioner(s) cannot assert any right to appear in a test designed exclusively to safeguard the interests of degree holders.

24. At this juncture, this Court finds it appropriate to refer to the various clarifications issued by AICTE regarding the validity of Diplomas in Engineering acquired by way of Distance Education. In response to the letters of the respondent-Department regarding the validity of the diplomas, AICTE, vide clarification letter dated 14.02.2020 (Annexure R-1) has categorically stated that: ***“As far as AICTE is concerned, it doesn’t recognize diploma courses in engineering conducted through ODL mode.”*** Subsequently, the respondent-Department again sought clarification from AICTE regarding the validity of Diplomas in Engineering obtained by way of distance education and vide letters dated 04.12.2023, 22.01.2024, 03.05.2024 and 22.08.2024, AICTE has clarified that it has issued a circular No.AICTE/P&AP/Misc/2020 dated 30.12.2020 (Annexure R-2), which is reproduced as under:

“AICTE is receiving number of representations/enquires from various Govt/Private organisations and students regarding the recognition/ validity of Diploma in Engineering and Technology awarded through distance learning mode by 4-Deemed to be Universities ie. i) JRN Rajasthan Vidyapeeth, Rajasthan, ii) Institute of Advanced Studies Education, Rajasthan (IASE), ii)

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Allahabad Agricultural Institute, (AAI) and iv) Vinayaka Mission's Research Foundation, Tamil Nadu, (VMRF)

In this regard, it is informed that, it has been the policy of AICTE not to recognize the qualification acquired through distance mode at Diploma, Bachelors and Masters level in the field of Engineering & Technology. Architecture, Town Planning, Pharmacy, Hotel Management & Catering Technology. Applied Arts and Crafts. The courses in Management, Computer application and Travel & Tourism is recognised by AICTE.

The Hon'ble Supreme Court in MA No(s). 1795-1796 of 2017 in Civil Appeal No. 17869-17870 of 2017 case pertaining to Orissa Lift Irrigation Corp. Ltd V/s Rahi Sankar Patro and Ors, opined vide its judgement dated 22.01.2018 that the Judgment dated 03.11.2017 for the courses leading to Diploma was not the subject matter of the judgement while considering the validity of degrees awarded by these 4-listed Deemed to be Universities to candidates who were enrolled up to 2001-2005 for which AICTE-UGC conducted the examination for revalidating the Degree awarded by aforesaid Deemed to be Universities as per the directions of the Hon'ble Supreme Court.

AICTE as such has not given approval for conducting Diploma courses in Engineering through distance education mode to any technical institutions. Hence, AICTE cannot validate the diplomas awarded by these institutions. Hon'ble Supreme Court stated that Diploma course in Engineering is not under the purview of the aforesaid case.”

(emphasis supplied)

25. Furthermore, UGC, vide public notice dated 23.02.2018 (Annexure P-13) has clearly stated that Part-I (2)(p) of the UGC (Open and Distance Learning) Regulations, 2017 explicitly prohibit programmes in engineering, medicine, pharmacy, etc., from being offered through ODL mode, as they require hands-on training. Public notice dated 23.02.2018 is reproduced



as under:

“The Government of India has envisaged a greater role for the Open and the Distance Education System. The envisioned role may be fulfilled by recognizing and treating the Degrees/Diplomas/Certificates awarded through distance mode at par with the corresponding awards of Degrees/Diplomas/Certificates obtained through the formal system of education. Open and Distance Education System in the country is contributing a lot in expansion of Higher Education and for achieving target of Gross enrolment Ratio, without compromising on quality. Non recognition/non equivalence of degrees of Open and Distance Learning (ODL) institutions for the purpose of promotion/ employment and pursuing higher education may prove a deterrent to many aspiring students and will ultimately defeat the purpose of Open and Distance Education.

Accordingly, the Degree/Diplomas/Certificates awarded for programmes conducted by the ODL institutions, recognized by the erstwhile DEC/UGC, in conformity with UGC Notification on Specification of Degrees should be treated as equivalent to the corresponding awards of the Degree/Diploma/Certificate of the traditional Universities/Institutions in the country.

UGC has notified UGC (Open and Distance Learning) Regulations, 2017 in the official Gazette on 23/06/2017. As per UGC (Open and Distance Learning) Regulations, 2017 under Part-1 (2)(p), the programmes in engineering, medicine, dental, pharmacy, nursing, architecture, physiotherapy and such other programmes which require hands-on training are not permitted to be offered under open and Distance Learning mode.”

(emphasis supplied)

26. The Hon’ble Apex Court has consistently held that it lies within the exclusive domain of AICTE to decide whether subjects leading to Degrees in Engineering can be taught through distance education mode. If, in the opinion of AICTE, such courses ought not to be imparted in distance education mode, that determination is final and binding, unless modified in a manner



recognized by law. In view of the aforementioned clarifications, it is clear that AICTE has maintained its stance that it has not given approval for conducting Diplomas in Engineering conducted through distance education mode to any technical institutions and it cannot validate or recognize such diplomas. Moreover, the Division Bench of this Court in ***Kartar Singh's*** case (*supra*) 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 writ petitioners, ***who had obtained a diploma from a deemed to be University***, cannot claim to be qualified for the purpose of appointment under the State. 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's*** case (*supra*) have 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***.

27. Further, the Division Bench of Madras High Court in ***D. Elangovan and others Vs. Central Administrative Tribunal and others, 2025 LIC 1530*** and the Division Bench of the Bombay High Court in ***Dilip and others Vs. State of Maharashtra and others, Writ Petition No.4934 of 2021***, decided on 23.09.2022 has refused to grant relief to the writ petitioners in those cases, who had obtained Diplomas in Engineering by way of distance



education. Para 4 of judgment passed by the Bombay High Court in *Dilip*'s case (*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 petitioner 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)

28. Moreover, the decision of the Division Bench of this Court in LPA No.128 of 2023 titled as *Virender Kumar and others Vs. State of Haryana and others*, does not advance the case of the petitioners and the reliance placed upon it is wholly misplaced. The Division Bench 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 the



State Universities (Government & Private) and Central Universities can run technical courses without approval of the AICTE, ***courses of Distance Study and Open Learning would require NOC from the AICTE even for such universities.*** Para 27 of this judgment is reproduced as under:

“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)

29. In the present case, no material has been placed on record to demonstrate that the deemed-to-be Universities, from which the petitioner(s) obtained their diplomas through Distance Learning, had secured prior approval of AICTE for conducting such programmes. On the contrary, as already observed, AICTE has consistently maintained that it does not recognize Diplomas in Engineering offered through the distance education mode and no approval has ever been granted to any technical institution for conducting such diplomas. Moreover, even in respect of Universities established under a State Act, such as KSOU, there is nothing on record to suggest that AICTE had issued any NOC for conducting Diplomas in Engineering through distance



education.

30. Further, the decision of the Division Bench of this Court in ***Virender Kumar***'s (*supra*) is clearly distinguishable on facts. In that case, Deen Bandhu Chhotu Ram University of Science and Technology, a State University established through an Act of the Haryana State Assembly, stood recognized by the UGC under Sections 2(F) and 12(B) of the UGC Act, 1956. Recognition and approval were also granted to the State University by the Joint Committee comprising UGC-DEC-AICTE. The Division Bench observed that B.Tech (Civil Engineering) weekend/part-time programme conducted by the University had received due approval from both its academic and executive councils, with participation of a representative from the State Government's Technical Education Department. The programme was essentially a four year course that mandated physical attendance, prescribed the same curriculum equivalent to a regular three-year course, and engaged the same faculty members of the University. ***Being a residential programme conducted within the University premises, it could not, therefore, be categorized as distance education.***

31. The Hon'ble Supreme Court in ***Bharathidasan University***'s (*supra*) and ***Jawahar Lal Nehru Technical University***'s (*supra*) has held that Universities established under a State Act are not required to obtain prior approval of AICTE for introducing technical programmes. The Court, however, emphasized that such Universities are under a duty to strictly adhere to the standards and norms prescribed by AICTE so as to ensure the coordinated and



integrated development of technical education and the maintenance of academic standards. In considered view of this Court, in the absence of any NOC or approval from AICTE with respect to Diplomas in Engineering offered through distance education mode, it cannot be said that such diplomas were awarded in accordance with the standards and norms mandated by AICTE.

32. Reliance by learned counsel for the petitioners(s) on the judgment of the Hon'ble Supreme Court in ***H.P. State Electricity Board Ltd.***'s (*supra*) is also misplaced, as in the present case, the initial promotion order dated 18.12.2019 (Annexure P-8) was expressly made conditional, being subject to outcome of the pending Court cases as well as the final determination of the validity of the diplomas. It was further stipulated by the competent authority that the officials could be reverted, if their qualifications were subsequently found to be deficient. In view of the clarification issued by AICTE regarding non-recognition of Diplomas in Engineering obtained through distance learning, the petitioners were accordingly reverted.

33. Further, judgment of the Hon'ble Supreme Court in ***Sivananda C.T.***'s case (*supra*) does apply to the facts of the present case, since in that case, the appointment in the selection process was challenged. Rather, the Hon'ble Supreme Court in ***Union of India and another Vs. Narendra Singh, (2008) 2 SCC 750***, speaking through Justice C.K. Thakker, observed that even if an ineligible or unqualified person is promoted, such a mistake can always be rectified by following the due process of law. Para 28 of the judgment in



Narendra Singh's case (*supra*) is reproduced as under:

“28. It is true that the mistake was of the Department and the respondent was promoted though he was not eligible and qualified. But, we cannot countenance the submission of the respondent that the mistake cannot be corrected. Mistakes are mistakes and they can always be corrected by following due process of law. In Indian Council of Agricultural Research & Anr. v. T.K. Suryanarayan & Ors., 1997 (4) SCT 156: (1997) 6 SCC 766, it was held that if erroneous promotion is given by wrongly interpreting the rules, the employer cannot be prevented from applying the rules rightly and in correcting the mistake. It may cause hardship to the employees but a court of law cannot ignore Statutory Rules.”

34. In view of decision of the Hon'ble Supreme Court in **Orissa Lift I** (*supra*), this Court is of the opinion that technical education leading to Degrees or Diplomas in Engineering involves teaching both theory and practicals. Practical form the backbone of such education, representing a hands-on approach, where theoretical principles are applied under the supervision of Demonstrators or Lecturers. Knowledge imparted in theory classes is intended to be reinforced through practical sessions. Thus, practicals constitute an integral component of the technical education system. If this established concept, which serves as a qualitative norm for imparting technical education, is to be modified or replaced in any instance by distance learning, AICTE must expressly accept such modification. Determining the parameters, that must be satisfied to alter or modify the regular course of technical education lies exclusively within the domain of AICTE. Any decision in this regard must be clear and unequivocal and cannot be inferred merely from the absence of



guidelines. In the present case, AICTE has expressed its unequivocal position that Diplomas in Engineering obtained through Distance Education are neither approved nor recognized.

35. Further, this Court is constrained to take note of the mushrooming of educational institutions that exploit the desperation of citizens aspiring for public employment. Despite repeated guidelines issued by the Courts to such institutions, as well as directions given to statutory regulators, the unfortunate reality remains that the regulators have failed in their duty to enforce even the minimum standards of education. Instead of discharging their statutory obligations in letter and spirit, they have resorted to evasive measures, thereby jeopardizing not only the quality of education, but also future of the students and ultimately, the larger public interest. The Court cannot remain a silent spectator to such a scenario, where commercial interests are allowed to prevail over academic standards. If the regulatory bodies fail to act with promptitude and sincerity, the credibility of the education system, as a whole, will stand eroded. The need of the hour is for the authorities to adopt a pro-active and transparent mechanism of monitoring, so that only genuine institutions imparting quality education are permitted to function. Any further laxity will not only embolden unscrupulous operators, but will also defeat the very constitutional mandate of ensuring equality of opportunity in matters of public employment. Steps must be initiated to curb the menace of mushrooming unauthorized distance education centres and to alert the general public about such unapproved programmes being offered through the distance mode.



CONCLUSION

36. In view of the foregoing discussion, all the aforementioned writ petitions are dismissed. For **all intents and purposes**, the Diplomas in Engineering acquired by the petitioner(s) by way of distance education from deemed to be universities or open universities are **neither valid nor recognized**. The petitioners or any other identically circumstanced person cannot seek employment, promotion or any other service benefit on the strength of these diplomas.

37. However, this Court is constrained to observe that conduct of the respondents is unbecoming of a public employer. In the present case, the respondents have taken inconsistent stands at different stages, thereby blowing hot and cold in their approach towards the petitioners. While the petitioners were promoted earlier on the strength of their disputed diplomas, years later, even after their retirement, they are now sought to be reverted. Such actions cause grave mental agony, harassment and loss of reputation. The State and its instrumentalities, being model employers, are held up to higher standards and therefore, bear an additional responsibility to ensure that their actions are fair and conform to the constitutional philosophy. While Article 14 of the Constitution of India strikes at the heart of arbitrary State action and demands that exercise of any public power be only guided by reason and equality, Article 21 of the Constitution of India safeguards the right to livelihood, which certainly includes just and non-capricious treatment. This Court is conscious of the fact that some of the petitioners have served on the promotional posts for a



considerable number of years; some have already retired, while others continue to serve on such posts under the protection of interim orders of this Court. To revert them now and seek recovery of the financial benefits availed, would be unduly harsh and unreasonable, particularly when the question whether they are at fault, remains debatable.

38. When a public employer acts on a whim and causes implicit mental agony, harassment and loss of reputation to its employee, it betrays the constitutional promise of fairness, which is impermissible with capriciousness and fair-play being anti-thetical to each other. The respondents cannot simply wash their hands of the matter, as they are equally at fault for creating this skewed situation, which has led to grave uncertainty. The blame cannot be shifted solely on the petitioners in this regard. Therefore, in order to do complete justice, the respondents are directed to create supernumerary posts for three categories of petitioners, who were promoted on the strength of their diplomas: (i) those who have served on the promotional posts for a considerable number of years and have now been reverted; (ii) those who continue to serve on such posts under the protection of interim orders of this Court; and (iii) those who, having already retired from the promotional posts, are now sought to be reverted post-retirement. The aforesaid employees shall be placed in a separate dying cadre, below the employees possessing valid qualifications. It is, however, clarified that this direction shall not extend to employees seeking fresh promotion or any other additional service benefits on the basis of such diplomas.

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39. All the pending miscellaneous application(s), if any, shall stand disposed of.

40. Photocopy of this order be placed on the files of connected cases.

29.09.2025

vishnu

**[HARPREET SINGH BRAR]
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No