

2025:PHHC:063089-DE



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

Reserved on : 24th April, 2025Date of Pronouncement: 12th May, 2025

1. LPA No. 128 of 2023 **(O&M)**
Virender Kumar and others ... Appellants
Versus
State of Haryana and others ... Respondents
2. LPA No. 146 of 2023 **(O&M)**
Manoj Kumar and others ... Appellants
Versus
State of Haryana and others ... Respondents
3. LPA No. 215 of 2023 **(O&M)**
Deenbandhu Chhotu Ram University of Science
and Technology, Murthal ... Appellant
Versus
Arun Kumar and others ... Respondents
3. LPA No. 216 of 2023 **(O&M)**
Deenbandhu Chhotu Ram University of Science
and Technology, Murthal ... Appellant
Versus
Sanjeev Tanwer and others ... Respondents
4. LPA No. 217 of 2023 **(O&M)**
Deenbandhu Chhotu Ram University of Science
and Technology, Murthal ... Appellant
Versus
Sunita and others ... Respondents
5. LPA No. 223 of 2023 **(O&M)**
Deenbandhu Chhotu Ram University of Science
and Technology, Murthal ... Appellant
Versus
Rahul Kairon and others ... Respondents

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6. LPA No. 224 of 2023 (O&M)
Deenbandhu Chhotu Ram University of Science
and Technology, Murthal ... Appellant
Versus
Nitin Saini and others ... Respondents
8. LPA No. 225 of 2023 (O&M)
Deenbandhu Chhotu Ram University of Science
and Technology, Murthal ... Appellant
Versus
Manohar Lal Rajpal and others ... Respondents
9. LPA No. 226 of 2023 (O&M)
Deenbandhu Chhotu Ram University of Science
and Technology, Murthal ... Appellant
Versus
Bajrang Lal and others ... Respondents
10. LPA No. 228 of 2023 (O&M)
Deenbandhu Chhotu Ram University of Science
and Technology, Murthal ... Appellant
Versus
Mohan Lal and others ... Respondents
11. LPA No. 229 of 2023 (O&M)
Deenbandhu Chhotu Ram University of Science
and Technology, Murthal ... Appellant
Versus
Girish Kumar and others ... Respondents

**CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA
HON'BLE MR. JUSTICE H. S. GREWAL**

Present Mr. D.S. Patwalia, Senior Advocate, assisted by
Mr. Gaurav Rana, Advocate,
for the appellant(s) in LPA-146-2023.

Mr. Arjun Partap Atma Ram, Advocate,
for the appellant(s) in LPA-128-2023.

Mr. Jagbir Singh, Advocate for the appellant(s)
in LPAs-215 to 217, 223 to 226, 228 and 229 of 2023 and
for respondent No.4 in LPAs-128 and 146 of 2023.

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Mr. Pankaj Middha, Additional Advocate General, Haryana.

Mr. Gurminder Singh, Senior Advocate, assisted by
Mr. Jatinder Singh Gill, Advocate,
for respondent No.5 in LPA-146-2023.

Mr. S.K. Garg Narwana, Senior Advocate, assisted by
Mr. Vishal Garg Narwana, Advocate
Mr. Nitin Sachdeva, Advocate, and
Ms. Nancy Antwal, Advocate
for respondents No.9 to 13 in LPA-128-2023.

Ms. Prerna Malhotra, Advocate for
Mr. Prateek Mahajan, Advocate,
for respondent No.9 in LPA-216-2023.

Mr. Inder Pal Singh, Advocate for
Mr. Nitin Kaushal, Advocate, for the respondents-AICTE.

Mr. R.P. Dangi, Advocate and
Mr. Sagar Dangi, Advocate
for respondents No. 9 to 13 in LPA-128-2023,
for respondents No. 6 to 9 in LPA-146-2023,
for respondents No. 5 to 12 in LPA-215-2023,
for respondents No. 6 to 8 in LPA-217-2023,
for respondents No. 10 to 19 in LPA-223-2023,
for respondents No. 12 to 19 in LPA-224-2023,
for respondents No. 8 to 12 in LPA-225-2023,
for respondents No. 6 to 13 in LPA-226-2023 and
for respondents No. 6 to 9 in LPA-228-2023.
for respondents No. 4 to 8 in LPA-229-2023.

Mr. S.P. Lather, Advocate and
Mr. Shubham Saroha, Advocate, for respondent No.8 in LPA-
128-2023 and for respondents No.2 and 3 in LPA-225-2023.

Mr. Arjun Sheoran, Advocate and
Mr. Tejasvi Sheokand, Advocate,
for respondent No.1 in LPA-217-2023.

SANJEEV PRAKASH SHARMA, J.

This order will dispose of eleven appeals i.e. LPA Nos. 128, 146, 215, 216, 217, 223, 224, 225, 226, 228 and 229 of 2023, as common questions of law and facts are involved therein. Facts of these cases are

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being noticed from LPA No. 128 of 2023 preferred by appellants Virender Kumar and others.

2. Deen Bandhu Chhotu Ram University of Science and Technology, Murthal, District Sonapat (for short, 'the University') is in appeal alongwith the affected candidates, who have filed their separate appeals, against the judgment dated 21.12.2022 passed by learned Single Judge in CWP No. 15209 of 2021 whereby the learned Single Judge has proceeded to hold the course conducted by the University to be invalid and the B.Tech Degree awarded to the appellants has also been held to be invalid for consideration of promotion and the order passed by the department dated 18.01.2021 for considering the candidature of the appellants, who were respondent nos. 5 to 8 before the learned Single Judge, was quashed.

3. Brief facts, which need to be noticed are that petitions were filed by the writ petitioners who were degree holders having obtained the degree as whole time students in B.Tech (Civil). As per Rule 6 of the Punjab Service of Engineers Class-II, PWD (Building and Roads Branch), Rules, 1965 (hereinafter to be referred as '1965 Rules'), a junior engineer may be appointed to the higher post of Sub Divisional Engineer (SDE) by promotion if he possesses degree qualification prescribed in Appendix 'B' of the 1965 Rules and 11% quota is reserved for such junior engineers.

4. The appellants were appointed as Junior Engineers initially as Diploma holders. While in service, they sought promotion from their employer to join the B.Tech (Civil Engineering) degree course which was introduced by the appellant-University from the Academic Session 2011 by

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the name of weekend programme for working professionals. They all joined the course after the permission was granted by the department. The appellant-University in 2013 changed the nomenclature from weekend programme to part time B.Tech course. A decision was also taken to take *ex-post facto* approval from the All India Council for Technical Education (AICTE). Before joining the course, the appellants were required to clear the entrance test conducted by the appellant-University which they all qualified. It is stated that B.Tech weekend course would be held two days in a week and on count thereto the B.Tech course is of 4 years instead of 3 years regular course. The course content is the same. The faculty members are the same who are teaching both the B.Tech courses regular as well as the part time (earlier weekend course). The degree courses imparted after 4 years have been treated as duly recognized by the State Government for the purpose of considering such junior engineers for promotion to the post of SDE.

5. Learned counsel for the appellants submits that the learned Single Judge has failed to take notice of various documents placed before the Court with respect to recognition of the course by the AICTE. He has referred to the written statement filed by respondent nos. 5 to 8 (in the writ petition) and to the written statement of the University. The University has stated in its reply that in the year 2009, it started weekend programmes after approval by Academic Council of the University in its 2nd Meeting held on 06.10.2009 under Item No. 10, with membership representing the Technical Education Department of the State Government. The decision to start the

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B.Tech weekend programme of Civil Engineering was approved by the Executive Council of the appellant-University in its 9th Meeting held on 04.02.2010 under Item No. 11. The minutes of the meeting of the Executive Council was also attached.

6. It has been ascertained that the University is a State University established by an Act of the Haryana State Assembly and is recognized by the UGC under Section 2(F) and 12(B) of the UGC Act, 1956. The appellant-University is empowered to award degree under Section 22 of the UGC Act, 1956. It is further stated that in the 18th Meeting of the Executive Council of the appellant-University held on 29.03.2013, the nomenclature of weekend programme was changed to part-time programme.

7. It has been further stated that the Haryana State Board of Technical Education in its meeting on 10.05.2011 held the course run by the appellant-University as valid presuming the University fulfills the prescribed norms laid by the AICTE. The State University was duly recognized and approved by the Joint Committee of UGC-DEC-AICTE and if it offers programmes in its own campus in a regular mode (not in distance mode) but in a weekend mode and part-time mode in evening classes and on holidays, it cannot be said that the same is a distance mode. Further approval of the individual course was not required to be obtained from the AICTE.

8. Learned counsel for the appellants has invited our attention to the letter dated 11.01.2017 issued by the Registrar of the appellant-University wherein the Registrar has ascertained that the part-time (erstwhile weekend programme) in B.Tech (Civil Engineering) is duly approved by the

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Academic Council of the appellant-University and it is empowered to award degrees under Section 22 of the UGC Act. By another letter the Director has also informed that the appellant-University is an AICTE approved institution and was in the approved list of the AICTE during the academic years when the concerned candidates acquired the B. Tech (Civil Engineering) qualification.

9. Learned counsel has also invited our attention to the letter dated 19.02.2018 whereby the AICTE has accorded approval to B.Tech part-time course to provide facility for pursuing technical education to the professionals having professional experience and that the part-time courses are treated at par with regular courses. It was also stated that the appellant-University can conduct technical courses without the AICTE approval being a University. The Dean, Academic Affairs of the appellant-University also issued a letter on 28.07.2021 holding that the appellants who have been awarded B.Tech engineering degrees through weekend/ part-time courses in various engineering disciplines are equivalent to regular courses in view of the clarification given by the AICTE, New Delhi and valid for recruitment and promotion. It would be apposite to quote the notification dated 28.07.2021 issued by the appellant-University, which is as under:-

“It is hereby notified that the weekend/ part-time degree (B.Tech./M.Tech.) in various Engineering disciplines awarded by Deenbandhu Chhotu Ram University of Science and Technology, Murthal (a State Government University) are equivalent to the regular UG/PG Engineering degrees in view of clarification given by AICTE, New Delhi and valid for recruitment and promotion. This notification is hereby issued in

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accordance with the Director General, Technical Education Department, Government of Haryana vide Memo No. EC/Colleges/2021/38-44 dated 16.07.2021 w.r.t. confirmation of minutes of the meeting of Equivalency Committee held under the Chairmanship of Director, Technical Education Department, Government of Haryana, Panchkula.”

The said notification was based on the confirmation of the minutes of the meeting of the Equivalence Committee under the Chairmanship of Director, Technical Education. The confirmation minutes of the meeting dated 16.07.2021 were also placed on record. The General Administration Department (General Services-1 Branch) in its meeting held on 29.12.2021 took a decision in the following terms:-

“4. The matter has been duly considered by the Government and it has been decided that all regular UG/PG Engineering degrees as well as the weekend/ part-time degrees (B.Tech/M.Tech) in various Engineering disciplines awarded by Deenbandhu Chhotu Ram University of Science and Technology (DCRUST), Murthal, Sonapat, Harayna are to be treated as equivalent for the purpose of appointments and promotions.”

This Court also notices that the State Public Information on 17.03.2015 gave following information under the RTI Act:-

<i>Point No.</i>	<i>Information</i>
<i>1.</i>	<i>The week-end course was started after duly approved by the Academic Council of the University with membership representing the Technical Education Department of the State. The programme was conducted through weekend classes, but was changed to part-time programme as it did not suit the AICTE format. It was not approved by AICTE and has since</i>

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	<i>been discontinued.</i>
2&4	<i>A photocopy of prospectus (2012-13) of Week-end programme is attached herewith.</i>
3.	<i>The Week-end programme was not approved by AICTE though approved by the Academic Council both for start of the programme as week-end programme as well as its redesignation as Part-time programme, as desired by AICTE.</i>
5.	<i>The University is empowered to award degrees under Section 22 of the UGC Act, 1956 and is approved under section 12(B) of the said Act. B.Tech. programmes (regular) have been approved by the AICTE and the curricular content of both the programmes is the same.</i>

10. Learned counsel for the appellants further submits that approval from the AICTE was not required to be taken once the AICTE approved the University as a technical university. All the courses whether part-time or fulltime, being run by the University at its own campus, would have to be treated as regular courses and 4 years part-time B.Tech which the appellants have undergone, has to be considered as sufficient course, which stands duly recognized by the State authorities for the purpose of promotion. The learned Single Judge has erred in not allowing the appellants to be considered for promotion and treated them as ineligible.

11. Learned counsel for the appellants further submits that none of the letters issued by the AICTE clarified its stand or the letters of the University reiterating due recognition to the part-time course were challenged by the respondents.

12. Learned counsel for the appellants has relied on the order passed by the Supreme Court recently in Writ Petition (C) No. 382 of 2018 **Mukul Kumar Sharma and others vs All India Council for Technical**

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Education and others dated 30.07.2018 and the order passed in Writ Petition (C) No. 1341 of 2019 *Md. Naseen Baig and others vs All India Council for Technical Education and others* dated 18.09.2020. He also relied on the judgment passed in *Bharathidasam University and another vs All-India Council for Technical Education and others* 2001 (8) SCC 676 and *Devender Bhaskar and others vs State of Haryana and others* 2022 (1) SCT 51.

13. Learned counsel for the appellants has also relied on the reply filed by the AICTE to submit that the learned Single Judge has failed to take note of the said submissions and the stand of the AICTE. He has further submitted that so far as the AICTE is concerned, as per the All India Council for Technical Education Act, 1987 (for short, 'the AICTE Act'), a university has been distinguished from a technical institute. He has invited our attention to Section 2 (h) of the AICTE Act to submit that the provisions relating to independent recognition of a technical institution would not apply to a university who would be entitled on its own to award degrees of different formats.

14. Learned counsel for the University adopts the arguments raised by learned counsel for the appellants.

15. Mr. S. K. Garg, learned senior counsel appearing for the performa respondent no. 9 to 13, who are similarly situated as the appellants, submits that the appellants had joined in 2011 and have completed their 4 years course which has also been recorded in their service rolls. Once the State Government recognizes the said course and is sufficient for the

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purpose of promotion, there is no occasion for the learned Single Judge to deny the benefit as the AICTE has also not objected to the award of the degrees to the appellants. The learned Single Judge has erred in equating the same to the distance education courses which are completely different from the part-time courses.

16. Learned counsel appearing for the AICTE submits that initially the University had not sought approval for the course and had requested it to give approval to the courses. The AICTE had not taken any decision on the same, however, he confirms to the issuance of letter dated 03.10.2017 wherein it has been intimated to the Engineer-in-Chief, PWD (B&R Branch) of Deen Bandhu Chhotu Ram University of Science and Technology as approved institute of AICTE. He also submits that the letter specifically mentioned that the institution was in the approved list of AICTE during the academic years during which Ravinder Kumar Kadian one of the appellants herein acquired qualification of B.Tech (Civil Engineering).

17. Learned counsel for the AICTE has read over the brief reply filed by the AICTE to the writ petition to submit that the private university established by the State Legislation does not require prior approval from AICTE for starting faculty/ courses in engineering programme. They are required to comply with the norms and standards prescribed by the AICTE from time to time. Document dated 16.03.2017 wherein information under the RTI Act, 2005 has been provided, which reflects as under:-

<i>Question No./ Point No.</i>	<i>PIO's of Bureau/ Cell</i>	<i>Reply</i>
<i>1 & 2</i>	<i>Sh.</i>	<i>M.1) It is to inform that, centrally</i>

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	<i>Sundareasan, Assistant Director & PIO, Approval Bureau</i>	<i>funded, Central University/ IITs/ NITs/ IISCs/ NITTRs etc. do not come under the purview of AICTE. You may obtain the information directly from the concerned Universities/ institutions as they are also public authorities. 2) It is to inform you that university does not require prior approval of AICTE to commence a new course or programmes in technical education, however, universities have obligation or duty to conform to the standards; and norms laid Institutes/ Polytechnics and Part Time/ Full Time & courses run by them, is already available at public domain and may be assessed at Council's website at the link "www.aicte- india.org/select-Statistics, Select- Approved Institution, Select-Year, Select-State, Select-Programme, Select-Level, Select-Course, Select- Institute, Select-Course Details.</i>
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18. Per contra, Mr. Gurminder Singh, learned senior counsel for respondent no.5 in LPA No. 146 of 2023 submits that the issue is only with regard to the course of the year 2011-12 and not of the subsequent courses. He submits that when the course of the year 2011-12 was started, no prior approval was taken from the AICTE. On 29.03.2013 the weekend course was converted into a part-time course and the University itself held a meeting where it decided to seek prior approval from the AICTE, which was not granted. Therefore, the students who completed 4 year weekend course, later on converted to part-time course, cannot be said to have acquired a valid degree. He supports the judgment passed by the learned Single Judge and submits that as per the AICTE Act, the AICTE alone is the authority to grant recognition of courses and norms have to be in accordance with the

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rules framed by the AICTE. He further submits that so far as the writ petitioners are concerned, they are holding a regular degree. Once there is a regular degree being granted by the same University, the degree awarded to the appellants cannot be said to be equal to the degree granted to the writ petitioners.

19. It is further submitted by learned counsel for respondent no. 5 that if the University itself would have recognized it as a equivalent degree, there was no reason for converting the programme/ course from weekend to part-time programme. When the ex-post facto approval was sought, the matter was referred to the Regional Officer of AICTE for approval. The University was informed that there is no provision for grant of ex-post facto approval to part-time courses and the same may be applied online for the next AY 2014-15.

20. Learned counsel has invited our attention to Annexure P-2 enclosed alongwith the writ petition. He has also invited our attention to the letter of information dated 22.12.2014, received under RTI Act, which reflects that UG/PG Degree/Diploma in Engineering Technology obtained through distance mode is valid for initial appointment and promotion but the B.Tech (Civil Engineering) 4 years programme obtained through weekend course/ part-time is not acceptable as per Chief Secretary letter dated 21.05.2009. He, therefore, submits that the course cannot be treated as sufficient for the purpose of promotion.

21. We have considered the submissions and documents which have been placed on record.

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22. The All India Council for Technical Education Act, 1987 was passed by the House of Parliament to provide for the establishment of an All India Council for Technical Education with a view to the proper planning and coordinate development of the technical education system throughout the country, the promotion of qualitative improvements of such education in relation to planned quantitative growth and the regulation and proper maintenance of norms and standards in the technical education system and for matters connected therewith. The Act came into force from the date of notification in the official gazette on 28.12.1987. Section 2 (h) of the Act defines 'technical institution' and Section 2 (i) of the Act defines 'University', which read as under:-

“(h) “technical institution” means an institution, not being a University which offers courses or programmes of technical education, and shall include such other institutions as the Central Government may, in consultation with the Council, by notification in the Official Gazette, declare as technical institutions:

(i) “University” means a University defined under clause (f) of section 2 of the University Grants Commission Act, 1956 and includes an institution deemed to be a University under section 3 of that Act.”

23. The powers and functions of the AICTE lays down to allocate and disburse the Fund of the Council, as it may think fit to technical institutions and Universities imparting technical education in coordination with the Commission. It also has powers to evolve suitable performance appraisal system for technical institutions and Universities imparting

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technical education, incorporating norms and mechanisms for enforcing accountability. As per Section 10 (k) of the Act, the AICTE has the power to grant approval for starting new technical institutions and for introduction of new courses or programmes in consultation with the agencies concerned. For the purpose of present appeals, it would be apposite to quote Chapter III, Section 10(1)(c), (g), (i), (k), (o), (q) and (s) of the Act, which read as under:-

*“CHAPTER III
POWERS AND FUNCTIONS OF THE COUNCIL*

10. (1) xxx xxx xxx

(c) allocate and disburse out of the Fund of the Council such grants, on such terms and conditions as it may think fit to –

(i) technical institutions, and

(ii) Universities imparting technical education in coordination with the Commission;

xxx xxx xxx

(g) evolve suitable performance appraisal systems for technical institutions and Universities imparting technical education, incorporating norms and mechanisms for enforcing accountability;

xxx xxx xxx

(i) lay down norms and standards for courses, curricula, physical and instructional facilities, staff pattern, staff qualifications, quality instructions, assessment and examinations;

xxx xxx xxx

(k) grant approval for starting new technical institutions and for introduction of new courses

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or programmes in consultation with the agencies concerned;

xxx xxx xxx

- (o) provide guidelines for admission of students to technical institutions and Universities imparting technical education;*

xxx xxx xxx

- (q) withhold or discontinue grants in respect of courses, programmes to such technical institutions which fail to comply with the directions given by the Council within the stipulated period of time and take such other steps as may be necessary for ensuring compliance of the directions of the Council;*

xxx xxx xxx

- (s) declare technical institutions at various levels and types offering courses in technical education fit to receive grants;*

24. Thus, from the above it is apparent that the AICTE does not have any function or powers with regard to a particular course in a university which is imparting technical education in coordination with the AICTE, but has the power to incorporate norms and mechanism for enforcing accountability and laid down norms and standards.

25. As noticed from the definition clause, it is apparent that 'University' has been defined in distinction to a 'technical institution', while the AICTE would exercise overall control on a technical institution. It would not have the power to control or approve various courses of technical

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education being provided by a university, once the university itself is recognized as a technical university and approved by the AICTE.

26. We have already noticed above that 'Deen Bandhu Chhotu Ram University of Science and Technology' is a duly approved University by the AICTE. As per the notification placed on record in LPA No. 146 of 2023, the AICTE while exercising powers conferred under sub-section (1) of Section 23 read with Sections 10 and 11 of the Act has recognized part-time programme which are meant to be conducted in evening time from 5:30 P.M. to 9:30 P.M., six days in a week wherever first and general shift working exist and are meant only for working professionals or professional with at least two years of work experience. The AICTE as per Clause 9 part-time programme are permitted in University affiliated technical education management programmes and they are also allowed in AICTE approved technical management institutions.

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

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Court in **Orissa Lift Irrigation Corporation Limited vs Rabi Sankar Patro**

and others 2018 (1) SCC 468, wherein it has been held as under:-

“36. The definition of “Technical Education” in Section 2(g) of the AICTE Act shows that the emphasis is on the programmes of education, research and training in Engineering Technology in general and the idea is not limited to the institutions where such programmes of education, research and training are to be conducted or imparted. However, the definition of “Technical Institution” in Section 2(h) leaves out an institution which is a University. The distinction between the broader concept of “Technical Education” and the limited scope of “Technical Institution” is clear from Section 10 of the AICTE Act where certain functions concern the broader facets or aspects of technical education which by very nature must apply to every single institution (whether university or not) where such courses are conducted or imparted. At the same time, certain functions are relatable to technical institutions alone, which by definition are not applicable to universities. For example, Functions in sub-clauses (a), (b), (d), (e), (f), (l) and (n) are concerned with broader facets of technical education, while functions in Clauses (k), (m), (p) and (q) deal with matters concerning technical institutions and thus may not apply to universities, whereas there are certain functions as set out in Clauses (g) and (o) which apply to both “Technical Institutions” and “Universities” imparting technical education. Clauses (c), (d) and (f) of Section 10 deal with subjects, inter alia, coordination of the technical education in the country at all levels; promoting innovation, research, development, establishment of new technologies, generation, adoption and adaptation of new technologies to meet the developmental requirements; and promoting and effecting link between technical education and

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systems and other relevant systems. AICTE is thus the sole repository of power to lay down parameters or qualitative norms for “technical education”. What should be course content, what subjects be taught and what should be the length and duration of the courses as well as the manner in which those courses be conducted is a part of the larger concept of “technical education”. Any idea or innovation in that field is also a part of the concept of “technical education” and must, as a matter of principle, be in the exclusive domain of AICTE.”

28. In **Dr.B. L. Asawa vs State of Rajasthan and others** 1982 (2)

SCC 55, Hon’ble the Supreme Court held as under:-

“11. The University of Bihar at Muzaffarpur is one duly established by statute and it is fully competent to conduct examinations and award degrees. The Degree of Doctor of Medicine (Forensic Medicine)-M.D. (Forensic Medicine)-of the University of Bihar is included in the Schedule to the Indian Medical Council Act, 1956 as a degree fully recognised by the Indian Medical Council which is the paramount professional body set up by statute with authority to recognise the medical qualifications granted by any University or Medical Institution in India. A Post-graduate Medical Degree granted by a University duly established by statute in this country and which has also been recognised by the Indian Medical Council by inclusion to the Schedule of the Medical Council Act has ipso facto to be regarded, accepted and treated as valid throughout our country. In the absence of any express provision to the contrary, such a degree does not require to be specifically recognised by other Universities in any State in India before it can be accepted as a valid qualification for the purpose of appointment to any post in such a State. The Division Bench of the High Court was, in our opinion, manifestly in error in

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thinking that since the Post-graduate degree possessed by the appellant was not one obtained from the University of Rajasthan, it could not be treated as a valid qualification for the purpose of recruitment in question in the absence of any specific order by the University of Rajasthan recognising the said degree or declaring it as an equivalent qualification.”

29. Thus it has been held that once a degree is awarded by a duly recognized institution, the question of its recognition or equivalence is primarily for the employer to determine and unless specifically declared invalid by a competent authority such a degree must be treated as valid for all service matters. It was further held that the Courts should not sit in judgment over the standards or quality of degree awarded by a university unless there is an allegation of gross regularities.

30. The B.Tech (Civil Engineering) weekend/ part-time being run by the University was duly approved by its academic and executive councils. The representative of Technical Education Department of the State Government had also participated. The programme required physical attendance, full curricula as equivalent to a three year course and the faculty members are of the University. It is a residential course being run in the university itself and, therefore, it cannot be said to be a distance education programme.

31. The State Government recognized the courses and allowed its employees to join the course in the evening classes after they performed the duties with the State Government. In fact, this Court appreciate the approach adopted by the State Government to allow its employees to improve their technical knowhow and education. The course has duly been executed by the

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State Government and has been recorded as part of the qualification acquired by the concerned appellants and has been entered in their service books. The record further reveals that the AICTE by public notification dated 13.08.2020 clarifies that technical programmes conducted through weekend/ part-time or evening shift modes with physical attendants and adherence to the prescribed curriculum are to be treated as regular courses. In our view, the said declaration would apply to the courses which have already been conducted and would not be for any course alone. Those who have already passed such type of course would have become to have done a regular course.

32. In **Bharathidasan University and another vs All India Council for Technical Education and others** 2001 (8) SCC 676 after examining the AICTE Act provisions whereof have been noticed by us hereinabove, Hon'ble the Supreme Court held that the University does not require to seek prior approval for commencing technical courses as Section 2(h) of the Act defining 'technical institution' excludes a university. The university being a State university, however, does not require such approval. We find that 4 years degree has parity with regular 3 years degree as the contents of the course and the faculty members imparting education and infrastructure and the time provided for teaching make them equal in all respects.

33. Taking into consideration the aforesaid law, we find ourselves unable to confirm the view as expressed by the learned Single Judge. We find the documents which are on record only lead us to one single conclusion that all the courses being run by the university have to be treated

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as regular courses. The 3 years course and 4 years course part-time evening course have to be treated as equivalent for all purposes as understood by the university itself. The State Government has duly recognized such course and the appellants cannot be denied the benefits of such qualification. In view thereto, we set aside the judgment passed by the learned Single Judge dated 21.12.2000 and dismiss the writ petitions preferred by the respondents. The appellants shall be considered as duly qualified as per their seniority for promotion from the date the persons junior to them have been granted with all consequential benefits. The compliance shall be made within a period of two months henceforth.

34. In view of the discussion aforesaid, LPA Nos. 128, 146, 215, 216, 217, 223, 224, 225, 226, 228 and 229 of 2023 are allowed.

34. All pending applications shall stand disposed of.

35. No costs.

(SANJEEV PRAKASH SHARMA)
JUDGE

May, 2025
vs

(H. S. GREWAL)
JUDGE

Whether speaking/reasoned Yes/No

Whether reportable Yes/No