IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CM-16060-CWP-2026 and
CWP-20943-2026 (O&M)

Romil Singh and Others ...Petitioner(s)

Vs.

State of Haryana and Others ...Respondent(s)

The date when the judgment is reserved:	02.09.2026
The date when the judgment is pronounced:	22.09.2026
The date when the judgment is uploaded on the website:	22.09.2026
Whether only operative part of the judgment is pronounced or whether the full judgment is pronounced:	Full judgment

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. D.S. Patwalia, Sr. Advocate assisted by
Mr. Adityajit Singh Chadha, Advocate
for the petitioners.

Mr. Teevar Sharma, DAG, Haryana.

Mr. Ankur Mittal, Sr. Advocate assisted by
Ms. Kushaldeep Kaur, Advocate,
Mr. Sakal Sikri, Advocate and
Mr. Siddhanth Arora, Advocate for
respondents No.3 to 5, 7, 8 & 11.

Mr. G. S. Sandhu, Advocate with
Mr. Dinesh Maurya, Advocate for
proposed respondents No.13 to 16
(applicant in CM No.14239 of 2026).

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NIDHI GUPTA, J.

CM-16060-CWP-2026

Prayer in the present application under Section 151 of the Code of Civil Procedure is for placing on record the replication to the written statements filed by respondents no.1 and 2 and 3, 4, 5, 7, 8 and 11.

2. Heard.

3. Application is allowed and the replication to the written statements filed by respondents no.1 and 2 and 3, 4, 5, 7, 8 and 11 is taken on record, subject to all just exceptions. Registry is directed to tag the same at appropriate place.

CWP-20943-2026 (O&M)

Present Civil Writ Petition under Article 226/227 of the Constitution of India has been filed by the petitioners for the "*issuance of an appropriate writ, order or direction including a writ in the nature of Mandamus directing the respondents to not to consider the candidature(s) of the private respondents for promotion to the post of Executive Engineer and further restrain the respondents from taking any positive steps w.r.t. consideration of their names herein for promotion to the post of Executive Engineer in view of the fact that they are not eligible to seek promotion to the said post in view of dictum of the Hon'ble Supreme Court rendered in '**Orissa Lift Irrigation Corporation Vs. Rabi Shankar Patro & Ors.' (2018) 1 SCC 468;** and **Contempt Petition (C) No. 408-409 of 2019 in CA No. 17869-17870 of***

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2017 *lead petition titled as* ***'Ashok Kumar & Ors. Vs. Depinder Singh Dhesi & Ors. reported as (2019) 8 SCC 280'***

2. It is *inter alia* submitted by ld. Senior Counsel for the petitioners that the petitioners had been initially appointed in the respondent-Department as Junior Engineers (hereinafter referred to as 'JE'). Subsequently, petitioners were promoted as Sub Divisional Engineers (hereinafter 'SDE') in the year 2023. The dates of joining of the petitioners as JE and as SDE are mentioned in tabular form in para 2 of the Writ Petition. Services of the petitioners are governed by the Haryana Development and Panchayats Department (Group B) Service Rules, 2016 (hereinafter referred to as 'Rules, 2016') (Annexure P-1).

3. Ld. Senior Counsel submits that for appointment to the post of SDE, there are two channels i.e. (i) 50% by direct recruitment; and (ii) 50% by way of promotion. Ld. Senior Counsel refers to Rule 7 of the Rules, 2016 to submit that in case of appointment as SDE by way of direct recruitment, each candidate is required to possess a degree in the respective engineering discipline "*from recognized University and no degree obtained from distance education mode from any recognized University can be considered for appointment.*" As per Rule 7B of the Rules, 2016, even for appointment as SDE by way of promotion, it is stipulated that no officer can be promoted as SDE on the basis of degree obtained through correspondence or through distance education mode. It is contended that therefore the private respondents herein were in the first instance not eligible for promotion as SDE,

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as their degrees in Engineering were from unrecognised universities through distance education mode.

4. Ld. Senior Counsel points out that the issue in the present case is that the 13 petitioners as well as private respondents No. 3 to 12 herein are presently working as SDE. The next avenue for promotion from post of SDE is Executive Engineer. It is firstly contended that as the private respondents do not hold valid degrees for promotion as SDE, therefore they cannot be considered for further promotion as Executive Engineer.

5. Appointment to post of Executive Engineer is governed by Haryana Development and Panchayats Department (Group A) Service Rules, 1988 (hereinafter the 'Rules,1988') (Annexure P-2). As per the Rule 9B of the said Rules, 1988, *"50% posts of Executive Engineer are to be filled by way of direct recruitment; and 50% posts by promotion from amongst Sub Divisional Officer."* As per Appendix B of the said Rules it is stipulated that the academic qualification and experience required for appointment to the post of Executive Engineer "*other than by direct recruitment"* is degree or its equivalent in Civil Engineering; and 8 years experience as SDE.

Relevant portion of the said Rules, is reproduced herein under:

"9. Method of recruitment.-(1) Recruitment to the Service shall be made,-

(a) In the case of Additional Director Panchayats,-

(i) by promotion from amongst the Joint Director Development; or

(ii) by transfer or deputation of an official already in the service of any State Government or the Government of India;

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(b) in the case of Executive Engineer (Panchayati Raj),-

(i) 50% posts by direct recruitment, and

(ii) 50% posts by promotion from amongst Sub-Divisional Officer; or

(iii) by transfer or deputation of an official already in the service of any State Government or the Government of India;

XXX XXX XXX

APPENDIX B
[See rule 7]

Serial No.	Designation of Posts	Academic qualifications and experience, if any, for direct recruitment	Academic qualifications and experience, if any, for appointment other than by direct recruitment
1	2	3	4
2.	Executive Engineer (Panchayati Raj)	(1) Degree in Engineering (2) Five years experience as Sub Divisional Officer/ Assistant Engineer	(1) Degree or its equivalent in Civil Engineering. (2) Eight years experience as Sub Divisional Officer.

6. Further, as per Rule 17, the State has been empowered to relax any of the provisions of the said rules, as follows: –

"17. Power of relaxation.- Where the Government is of the opinion that it is necessary or expedient to do so, it may, by order, for reasons to be recorded in writing, relax any of the provisions of these rules with respect to any class or category of persons."

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7. Ld. Senior Counsel contends that therefore, for further promotion to the post of Executive Engineer, a degree or its equivalent in Civil Engineering is required; as also experience of 8 years as Sub Divisional Officer. However, as the private respondents herein have acquired their engineering degrees in the years 2001 to 2005 through distance education mode from universities situated in Rajasthan, they are not eligible for further promotion.

8. It is submitted that the validity of such engineering degrees as obtained by the private respondents from such Universities through distance education mode was subject matter of challenge before the Hon'ble Supreme Court in the case of ***Orissa Lift Irrigation Corporation Limited Vs. Rabi Sankar Patro and others 2018 (1) SCC 468*** **decided on 03.11.2017** (hereinafter referred to as **"the Judgment"**); wherein the Hon'ble Supreme Court in its landmark judgment held that Engineering degrees obtained by the students from the year 2001 to 2005 from such Universities through distance education mode could not be held to be valid degrees as, such degrees had been issued without getting necessary approval from AICTE or UGC. The Hon'ble Apex Court further held that such deemed Universities did not possess necessary infrastructure etc. and therefore, could not even have offered any Engineering course through distance learning mode; especially without approval of AICTE or UGC. In this regard, learned Senior counsel refers to paras 57, 58, 64 and 66 of the Judgment to submit that, therefore, the Hon'ble Apex Court held that the ex-post facto approval granted to universities for running engineering courses was completely illegal and thus any engineering degrees issued by institute who had no jurisdiction to issue such degrees were held to be invalid degrees.

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9. Ld. Senior counsel reiterates that the private respondents herein had undergone engineering degrees vide distance mode of education from universities which were not authorized to issue such degrees. Moreover, such university did not possess affiliation of AICTE. Even further, no permission of the AICTE was sought by such university for running engineering courses. Furthermore, when the private respondents had undergone their degree(s) through distance mode of education, they had not sought any prior permission from the respondent-department at the time they had enrolled in such engineering courses. Ld. Senior counsel refers to the table depicting the details of private respondents as herein under: -

Sr. No.	**Name of private respondents**	**Name of university**	**Mode of course**	**Date of post-facto permissionfo r degree.**
1.	Surender Kumar	JRN Rajasthan Vidya Peeth University Udaipur, Rajasthan	Distance	05.11.2019
2.	Suresh Kumar	IASE Institute of Advanced Studies in Education Srdarshahar, Rajasthan (IASE)	Distance	04.12.2019
3.	Neeraj Kant	IASE Institute of Advanced Studies in Education Srdarshahar, Rajasthan (IASE)	Distance	09.01.2020
4.	Sandeep Kaushik	IASE Institute of Advanced Studies in Education Srdarshahar, Rajasthan (IASE)	Distance	16.12.2019
5.	Rajesh Kumar Sharma	JRN Rajasthan Vidya Peeth University, Partap Nagar, Udaipur, Rajasthan	Distance	08.03.2019
6.	Kamal Sharma	JRN Rajasthan Vidya Peeth University Udaipur, Rajasthan	Distance	08.03.2019

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7.	Naresh Kumar Rohilla	IASE Institute of Advanced Studies in Education Srdarshahar, Rajasthan (IASE)	Distance	22.11.2019
8.	Sanjay Kumar	IASE Institute of Advanced Studies in Education Srdarshahar, Rajasthan (IASE)	Distance	18.09.2019
9.	Bhupender	JRN Rajasthan Vidya Peeth University Udaipur, Rajasthan	Distance	---
10.	Mahender Singh Yadav	Institute of Advanced Studies in Education Deemed University, Gandhi Vidya Mandir, Sardarhahr (Rajasthan)	Distance	06.08.2019

10. It is submitted that a perusal of the aforesaid would reveal that all private respondents were granted ex-post facto permission in the year 2019 and 2020 after rendering of the Judgment dated 3.11.2017 in *Orissa Lift Irrigation (supra)*. Once the private respondents had, undergone engineering courses from universities who had no power to issue degrees qua such courses no benefit whatsoever can be granted to such candidates; and moreover, when such candidates have not taken permission of the department for undergoing such courses. Thus, no benefit can be granted to the private respondents.

11. However, the Hon'ble Supreme Court vide subsequent **order dated 22.01.2018** passed in ***Orissa Lift Irrigation Corporation Limited vs. Rabi Sankar Patro and others, (2018) 2 SCC 298*** (hereinafter referred to as **"the Clarificatory Order"**), while showing sympathy to candidates such as the private respondents herein who had availed such degrees, as a one-time measure in order to protect the interest of students who had received engineering degrees through distance education from deemed to be

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university(s), were granted an option to appear in a test to be conducted by AICTE in order to validate their degrees. If such students cleared the test at the first instance the advantages/benefits of the degrees were directed to be restored to them.

12. Ld. Senior Counsel points out that thereafter several Contempt Petitions were filed before the Hon'ble Supreme Court for non-compliance of the Judgment - including the ***lead Contempt Petition (C) No. 408-409 of 2019 in CA No. 17869-17870 of 2017*** titled as ***'Ashok Kumar & Ors. Vs. Depinder Singh Dhesi & Ors. reported as (2019) 8 SCC 280*** which was decided vide **order dated 13.08.2019 (Annexure P-3)** (hereinafter **"the Order"**). Whereby the Hon'ble Apex Court clarified that '*no additional benefit*' shall be granted to any individual who has cleared the examination conducted by the AICTE in the first attempt; and the intent of the Judgment dated 03.11.2017 and the observations made therein was only to grant the same status/career benefits which a person was enjoying prior to his degree being declared null and void and that too only if such person cleared the qualifying exam to be held by the AICTE at the first instance. It is submitted that the Hon'ble Supreme Court had clearly observed that no additional advantage can be conferred upon any individual whose degrees have been validated upon clearing the exam conducted by the AICTE. In this regard, ld. Senior Counsel refers to relevant paras 8, 9, 10 and 11, of the Order dated 13.08.2019.

13. Ld. Senior Counsel urges that from a reading of the aforesaid paras, it is clear that Hon'ble Supreme Court had never directed that any additional benefit/advantage could be given to any person who had received

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Engineering degree through distance education mode from such deemed Universities. It is contended that this would mean that the benefit(s) which a person possessed at the time that he/she had cleared the examination conducted by AICTE for validating the degree obtained through distance mode, were to be retained by such person only if he/she cleared the exam in the first attempt. Therefore, from the aforesaid observations of the Hon'ble Supreme Court it is clear that no additional benefit/advantage can be given to any person; and thus, no additional service benefit - for example Promotion etc. - can be given to any person on the basis of degrees obtained through distance mode.

14. Ld. Senior Counsel argues that in view of the categoric diktat of the Hon’ble Supreme Court in the aforesaid Order, it is clear that benefits that accrued to the private respondents upto the date of their passing the AICTE Test in pursuance to the Judgment, would stand frozen; and that thereafter no further benefit could be admissible to them; as, in terms of the Order, no additional benefit was to be granted to the private respondents even after their having passed the exam permitted by the Hon’ble Supreme Court. It is admitted that in pursuance to the Judgment, all the private respondents herein have taken the exam permitted by the Hon’ble Apex Court and have passed the same in the first instance itself. It is however, contended that passing of the said exam would not imply that private respondents would therefore be at par with the petitioners who had obtained their original degrees from recognized Universities. Rather, only the benefits availed by private respondents heretofore, would stand validated.

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15. Ld. Senior counsel submits that the grievance of the petitioners is that notwithstanding the above facts, the respondent-Department is in the process of promoting the private respondents to the post of Executive Engineer. Even though, as pointed out above, for promotion to the post of Executive Engineer every SDE is required to possess a degree in Engineering; and, the private respondents herein do not possess regular degree in engineering as they have undergone their degree from distance education mode from deemed Universities in Rajasthan. Moreover, as per the Judgment read with the Order dated 13.08.2019, no additional benefit/advantage can be given to any employee other than the advantage/benefit that he/she was enjoying at the time of validation of his/her degree. Meaning thereby, vide the Judgment the degrees obtained by such persons including the private respondents herein were declared to be not valid and the Hon'ble Supreme Court had only given a chance to the students to validate their degrees and had directed AICTE to conduct an examination for validation of such degrees. No doubt, the private respondents had cleared the examination conducted by the AICTE in the year 2018 however, in view of the observations of the Hon'ble Supreme Court in the Order in the Contempt Petition No.408-409 of 2019 no 'additional benefit', such as the proposed promotion, whatsoever can be granted to the private respondents other than the benefit of the post on which they were working on in the year 2017.

16. Ld. Senior Counsel submits that the respondent No.2/Director General Development and Panchayats Department, Haryana vide letter dated 11.06.2026 (Annexure P-4) has submitted a report of the private respondents

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for consideration of their names for promotion as Executive Engineer to the competent authority; and the competent authority is actively considering to promote the private respondents as Executive Engineer and a meeting of the Departmental Promotion Committee is likely to be scheduled shortly. Ld. Senior Counsel contends that in view of the law settled by the Hon'ble Supreme Court no benefit qua promotion whatsoever can be granted to the respondents herein. The respondent-department vide letter dated 23.04.2026 (Annexure P-5) addressed to the Director General, Higher Education Department has sought its advice on whether employees who have acquired degrees from deemed university(s) through distance mode are eligible for promotion or not. As per information available with the petitioners no positive response has been received by the department till date.

17. Ld. Senior Counsel further contends that the action of the respondent-State whereby despite the private respondents not possessing regular degrees and despite the observations of the Hon'ble Supreme Court that employees like the private respondents cannot be given any additional benefits/advantage other than what they were enjoying at the time the Judgement was rendered in *Orissa Lift irrigation(supra)* for validation of their degrees, the private respondents are being promoted as Executive Engineer is not only illegal and arbitrary but in complete contravention to the Order of the Hon'ble Supreme Court rendered in *Ashok Kumar supra.* It is contended that once the degrees obtained by the private respondents are in dispute having been obtained through distance education, it would be completely unjust and unfair to promote the private respondents herein on the basis of such degrees.

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18. It is further argued that the Hon'ble Supreme Court in Judgment in *Orissa Lift Irrigation (Supra)* while holding such degrees to be as invalid, yet, while protecting certain group(s) of students who had undergone Engineering degrees from deemed universities through distance mode of education to limited extent, had granted such students a chance to appear in an examination which was to be conducted by the AICTE for validation of such degrees as a one time measure. However, the Hon'ble Supreme Court vide the Order dated 13.8.2019 passed in the Contempt Petitions has clarified that no additional benefit/ advantage shall be given to any individual even if they clear the examination conducted by the AICTE and get their degrees validated in terms of observation(s) of the Hon'ble Supreme Court in Judgment in *Orissa Lift Irrigation (supra)*. The Hon'ble Supreme Court has categorically held that only such advantages/benefits which a person was enjoying on the date Judgment was rendered in *Orissa Lift Irrigation (supra)* shall be continued upon clearance of the examination. Therefore, no additional/ extra service benefit can be granted to any employee viz-a-viz promotion/ other benefit upon validation of degrees other than the benefit which he/she was enjoying on the date judgment was rendered in *Orissa Lift Irrigation (supra)*.

19. Ld. Senior counsel submits that as the private respondents have acquired degrees in Engineering through distance education, therefore, they are squarely covered by the Judgment in *Orissa Lift Irrigation (supra)* and the Order in *Ashok Kumar & Ors. (supra)*. The action of the respondent State whereby the private respondents are being promoted as Executive Engineers on the basis of their degrees is in the teeth of the observations of the Hon'ble

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Supreme Court in the Order dated 13.8.2019 in *Ashok Kumar & Ors. (supra)*. No service benefits whatsoever which were not being enjoyed by the private respondents as on 03.11.2017 can be granted to the private respondents herein and therefore the action of the respondents whereby they are promoting the private respondents as Executive Engineers is completely illegal and arbitrary.

20. Further, despite the fact that the competent authority in the respondent State has sought clarification from the Higher Education Department as to whether employees like the private respondents are eligible for promotion on the basis of the degrees, the respondent State is going ahead and promoting the private respondents as Executive Engineers on the basis of invalid degrees.

21. It is reiterated that the candidates who had filed the aforesaid contempt petition were identically situated to the private respondents in the present matter. The Hon'ble Supreme Court in the aforesaid contempt petition has held that the intent of the judgment in *Orissa Lift Irrigation (supra)* was only to restore such service benefits as a person was enjoying on the date the Judgment was rendered if such candidate cleared the AICTE exam in the first attempt. The Hon'ble Supreme Court had said that no additional advantage/benefit can be given to any candidate even after the degree of such candidate stands validated. Para 66.6 of the main judgement was thus clarified to the above extent. It is submitted that the private respondents herein at the time the Judgment was rendered in *Orissa Lift Irrigation (supra)* were not enjoying the benefit of promotion as Executive Engineer; and therefore, such

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benefits cannot be given to them after the Judgment in *Orissa Lift Irrigation (supra).*

22. Further, two Division Benches of this Court in ***State of Haryana Vs. Vijay Goyal & Ors. in LPA No.1426 of 2023*** decided on 05.07.2024, and ***Jagdish Rai Singla Vs. State of Haryana & Ors. in RA-CW-101-2022 in CWP 525 of 2017*** decided on 17.03.2023 have held that benefit of promotion would come under the purview of additional advantage(s) and if the concerned candidate had not attained any particular status as on the date when Judgment was passed in *Orissa Lift Irrigation (supra)*, no benefit which such person was not enjoying at the time of Judgment can be given. The observations which are "Ratio Decidendi" are completely in favor of the petitioners and clinch the case in their favor.

23. Further, a Ld. Single Bench of this Court in ***Satyawan Nain & Ors. Vs. UHBVNL & Anr. in CWP No.1228 of 2020*** decided on 19.10.2023 has also held that promotion to a higher post would come under the purview of additional benefit and if any promotion was not granted to any person as on date Judgment was passed in *Orrisa Lift Irrigation (supra),* such benefit of promotion cannot be given to any person. Relevant portion of the judgment is reproduced herein under:-

> *"(18). Further, in Ashok Kumar and others's case (supra), while taking cognizance of the fact that the candidates should not stand deprived of the status which they were enjoying as on the day of the judgment in Orissa Lift Irrigation Corporation Ltd. provided the candidates could prove their worth and ability, the Supreme Court further held that if, a candidate had not attained any particular status, as on the date when the Judgment was passed, the width of*

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the directions was not to confer any additional advantage which was not even enjoyed as on the date. The Supreme Court cautioned that it was not the idea to hold the candidates to be entitled to certain additional benefits which the candidates were, as a matter of fact, not even enjoying on the date of the judgment and held that if the degrees stood restored in terms of the directions in the Judgment and the Order, the candidates would certainly be eligible to such entitlements as are available in accordance with law, but "restoration" would only be of those benefits, which they were enjoying as on the date of the Judgment. In short, the intent was to restore status quo ante and not to confer any additional advantage by the Judgment and the Order.

(19). In the present case, the Ranking List of Engineering Subordinates possessing AMIE/BE qualification in Electrical Engineer as it stood on 01.01.2008, for promotion to the post of Assistant Engineer, was prepared on 08.01.2013. In the said List, petitioners' names were not entered as their Engineering Degrees were not taken to be valid and hence their claim was rejected as this Court in ***Kartar Singh's case (supra)*** *had declared their degrees as invalid. Their degrees stood validated during December, 2018 in compliance to Supreme Court directions in Orissa Lift Irrigation Corporation Ltd.'s (supra). It is crystal clear that as on the date of judgment/clarification in Orissa Lift Irrigation Corporation Ltd.'s (supra), there was no benefit/advantage which can be said to have been taken away from the petitioners. Albeit, the claim of the petitioners for promotion arose only after the passing of the Special Test in December, 2018 which validated their Degrees for being considered for further promotion.*

(20). The directions issued by the Supreme court, referred to above, were never directed to confer such advantages which the candidates were otherwise not enjoying, 'on the date when the Judgment and clarificatory Order' were passed. If the promotion

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was not granted and was not being enjoyed as on the day when the judgment was passed, there was no violation of any direction issued by the Supreme Court by the respondent-Nigam.

(21). In view of the foregoing reasons and observations made, this Court does not find any illegality in the order dated 01.01.2020 (Annexure P14) passed by the respondent-Nigam.

(22). Accordingly, this writ petition is dismissed."

24. It is accordingly prayed that the present Writ Petition be allowed; and following prayer be accepted: -

"*(i) issue an appropriate writ, order or direction including a writ in the nature of Mandamus directing the respondents to not to consider the candidature(s) of the private respondents for promotion to the post of Executive Engineer and further restrain the respondents from taking any positive steps w.r.t. consideration of their names herein for promotion to the post of Executive Engineer in view of the fact that they are not eligible to seek promotion to the said post in view of dictum of the Hon'ble Supreme Court rendered in 'Orissa Lift Irrigation Corporation Vs. Rabi Shankar Patro & Ors.' cited as 1 (2018) 1 SCC 468 and Contempt Petition (C) No. 408-409 of 2019 in CA No. 17869-17870 of 2017 lead petition titled as 'Ashok Kumar & Ors. Vs. Depinder Singh Dhesi & Ors.'*"

25. *Per contra,* ld. Senior Counsel representing the private respondents no.3 to 5, 7, 8 and 11, supported by ld. State Counsel has vehemently opposed submissions of the petitioners and has urged that contentions of the petitioners are utterly misconceived being based on a misreading of the Judgment; the Clarificatory Order; as also the Order, passed by the Hon'ble Supreme Court.

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26. Ld. Senior Counsel submits that admittedly, all the petitioners as well as the private respondents herein are SDE, presently working in the respondent-Department. It is also undisputed fact on record that the private respondents are senior to the present petitioners. As such, the private respondents are entitled to be considered for further promotion to post of Executive Engineer; and petitioners have no locus at present.

27. Further, undisputedly, private respondents had enrolled in Academic Session 2001-2005 and had obtained their respective Engineering degrees through distance education mode from deemed to be Universities situated in Rajasthan. The validity of such degrees fell for consideration before the Hon'ble Supreme Court in the case of *Orissa Lift Irrigation (supra);* and that in compliance of directions contained in the said Judgment and the subsequent Clarificatory Order dated 22.01.2018, the private respondents had duly appeared in and successfully cleared the special validation test conducted by the AICTE in the year 2018 in the first round itself. The aforesaid facts are not disputed either by the respondent-Department or by the petitioners. Corresponding entries in the service records of the respondents were also made without demur and without raising any objection or reservation qua the genuineness, validity or continued recognition of the said degrees.

28. However, the submission of the petitioners to the effect that further promotion to the private respondents would be an "additional benefit" which has been denied by the Apex Court is based on a complete misreading of the Judgment, Clarificatory Order, and the Order of the Apex Court. It is contended that such an interpretation and reading of the same is ex-facie

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contemptuous and amounts to tweaking the law settled by the Apex Court by adding words which the Apex Court never intended.

29. It is reiterated that the entire case of the petitioners is based on selected misreading of Order dated 13.08.2019 (Annexure P-3) passed by the Hon'ble Apex Court in the Contempt Petition filed in case of *Ashok Kumar supra.* Whereas a true and complete appreciation of the said Order when read with the context in which each of the said Contempt Petitions were filed, demonstrates that it does not support the petitioners' case.

30. It is urged that the issue involved in the Judgment dated 3.11.2017 was the validity of the engineering degree obtained through Distance Education Mode and the grant of ex-post-facto approval by the UGC to the degrees obtained from deemed to be universities by students enrolled during academic session 2001-2005. The Apex Court held the exercise of grant of ex-post-facto approval to be incorrect and illegal. However, considering the fact that UGC since 2004 itself had given liberty to the concerned deemed public universities to apply for ex-post-facto approval, it was considered appropriate that the interest of those students who were enrolled during academic session 2001-2005 is protected. Therefore, taking a sympathetic consideration, the Apex Court deemed it appropriate to grant chance to the students who enrolled in Academic Session 2001-2005 to have their ability tested by the authority competent in that behalf; and therefore, it was directed that all degrees in engineering granted to the students who were enrolled during the academic session 2001-2005 shall stand suspended till they pass such examination under the joint supervision of AICTE-UGC in the

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manner provided by the Apex Court. In view thereof, it was directed that every single advantage on the basis of that degree shall also stand 'suspended'. Therefore, there was only 'suspension' of benefits till the candidates cleared the exam.

31. Ld. Senior counsel further submits that the Apex Court directed AICTE to devise modalities to conduct appropriate test/tests both in written examination as well as in practical for the concerned students enrolled during the academic session 2001-2005 covering all the concerned subjects. Only two chances were directed to be given to the students and it was directed that if they do not pass the test their degree shall stand recalled and cancelled; and that in case, they clear the test, all advantages or benefits shall be 'restored' to the concerned candidates and the degree shall revive fully. Ld. Senior counsel argues that where on one hand degrees of students enrolled during academic session 2001-2005 were only *suspended* and a chance was given to have them validated, on the other hand, degrees obtained by students enrolled after academic session 2001-2005 were *annulled* by the Apex Court. Therefore, the degrees of the students who cleared the test were directed to be revived and validated fully as per the directions of the Apex Court. Thereby implying that upon passing of the test, there would be full revival of the degrees and all benefits being enjoyed prior to date of Judgement, would be restored.

32. Ld. Senior counsel points out that thereafter several applications were filed seeking clarification and modification of the directions issued vide the Judgement dated 3.11.2017, and praying for preservation of the benefits earned on the basis of the said degrees. It was contended by the applicants

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that after securing degrees through distance education mode, applicants had advanced in career, and their ability had been tested at various levels and as such requirement of passing the examination in terms of the Judgement be dispensed with. In this situation, the Apex Court had decided the applications vide *Clarificatory Order dated 22.01.2018 reported as Orissa Lift Irrigation Corporation Ltd. v. Rabi Sankar Patro 2018 (2) SCC 298* and refused to make any such exception. However, at the same time considering the submissions being made of losing the job, the Apex Court granted a one-time relaxation in favour of those candidates who were enrolled during academic session 2001-2005 and who were eligible to appear in the test to be conducted by AICTE that all the candidates who clear the test in terms of the Judgment can retain the degrees in question and the advantages flowing therefrom till one month after declaration of the result of such test or till 31.07.2018 whichever is earlier. If the candidates pass in such first attempt, they would be entitled to retain all the advantages. However, if they fail or chose not to appear, the directions in the Judgment dated 03.11.2017 shall apply and in that case the degrees and all advantages shall stand suspended and withdrawn. They will be entitled to appear on the second occasion in terms of the Judgment but the aforesaid exception shall not apply to such second attempt meaning thereby they will not be entitled to retain the advantages which they already had and same shall stand suspended and withdrawn.

33. It is submitted that what the Apex Court directed was that on clearing of exam at first attempt along with validation of degree, all benefits which were already being enjoyed shall stand restored i.e., status quo ante

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would be restored. But if the test is not cleared in first attempt, though is cleared in second attempt then degree would stand validated from the date of clearance of test and there would be no restoration of the benefits already taken. It is vehemently urged that it was nowhere stated that the degree once validated on passing of test would not be valid for all purposes or that it cannot be used later on. It is submitted that in compliance of the directions of the Hon'ble Apex Court, the private respondents had taken the rigourous test conducted by the AICTE and passed the same in the first instance itself. Accordingly, Certificate was awarded by the AICTE validating their degrees. The said validation has been accepted and acted upon by the Department itself by making a corresponding entry in each applicant's service book, without demur.

34. However, the Petitioners have thereafter sought to build their entire case upon a selective and truncated reading of the Order dated 13.08.2019 passed by the Hon'ble Supreme Court in the Contempt Petitions *Ashok Kumar supra.* It is submitted that a true and complete appreciation of the said Order, read in its proper factual and legal context, demonstrates that it does not support the Petitioners' case in the slightest and indeed forecloses it.

35. Ld. Senior counsel clarifies that since the Order dated 13.08.2019 passed in said contempt proceedings has been heavily relied upon by the petitioners, therefore, it is necessary to give facts of the said case which gives a clear insight as regards the observations made therein by the Apex Court. It is submitted that the above said *Contempt Petition (C) No. 408-409 of 2019* was instituted before the Apex Court by 9 persons alleging violation and

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defiance of the Judgment dated 03.11.2017 and the Clarificatory order dated 22.01.2018. The contempt petitioners were contending that they had enrolled themselves in the courses leading to Degrees in Engineering through distance mode during the period 2001-2005. They cleared the test conducted by AICTE in first attempt. After clearing test, they submitted representations stating that they are entitled to all the benefits arising from degrees and thus, due benefit of promotion be released to them. Needless to mention that before judgment and conducting of test by AICTE they were not given any benefit of promotion by relying on their degrees, thus, they were seeking benefit retrospectively after their degrees got validated. It is submitted that it was in the above context and situation that the stand taken then by the State Government, as evident from counter affidavit dated 03.04.2019 (Annexure R-7) filed on behalf of State before the Apex Court, was that Judgment intended to restore only such benefits which stands already granted and would not include grant of any benefit which was not granted before validation of degree. A specific stand was taken by the Government that few of the petitioners have acquired degree without taking due permission as per the service rules. In this regard, stand was taken that those petitioners who had obtained permission before acquiring the degrees and their degrees have been validated upon passing the test conducted by AICTE, they will be given benefit of acquiring their B.Tech degree through distance education mode prospectively from the date they have passed test conducted by AICTE. However, no benefit would be given to such petitioners who had acquired the degrees in violation of instructions of the State Government issued from time to time.

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It is submitted that it was in the above backdrop of the aforesaid factual matrix, that the Apex Court decided the contempt petitions vide Order dated 13.08.2019. Ld. Senior counsel in particular refers to para 10 of Order dated 13.08.2019 whereby the Apex Court crystallized the legal position by referring to Judgment dated 03.11.2017 and Clarificatory order dated 22.01.2018; and held that on validation of degree, candidate would be eligible to such entitlements as are available in accordance with law, but would be of those benefits which they were already enjoying. Thus, 'additional benefits' used by Apex Court was in reference to restoration of benefits and it had nothing do with non-extension of future benefits which a person may be entitled to based on the degree which stood validated for all intents and purposes on passing of the test conducted by AICTE. This is further so evident from the observations made by the Apex Court as regards the factual aspect in para 11 of the Order.

36. It is urged that from a bare reading of the Order dated 13.08.2019 passed in *Ashok Kumar (supra)*, it is clear that the Apex Court reiterated that a candidate cannot claim, by virtue of the retrospective validation of the degree, some backdated status or benefit that he/she was not already holding or enjoying as on 03.11.2017. It is expressly recorded in para 10 itself that validated candidates "*would certainly be eligible to such entitlements as are available in accordance with law*" which necessarily includes ordinary, future rule-based promotion earned after the degree stands validated. It is argued that the expression "additional benefit/advantage" is thus a term of art confined to backdated, retrospective advantage; it is not, and cannot be read

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as, a permanent embargo on prospective promotion, which every other similarly qualified government servant is entitled to claim in the ordinary course of service.

37. Ld. Senior counsel submits that the aforesaid aspect is further clarified by various circulars/communications (Annexure R-8), issued by AICTE from time to time, wherein it has been specifically stated that suspended degrees of students enrolled in academic session 2001-2005, on passing of the exam shall stand valid from the date of acquiring the degree from the respective deemed to be university and that such degrees are valid in all aspects. It is reiterated that therefore, the entire case of the petitioners is based on a misreading of the orders passed by the Apex Court.

38. It is further submitted that except on account of degree, no other ineligibility has been alleged against the private respondents. Even as per the governing Service Rules, such degrees obtained from distance education mode are recognized which are approved by AICTE. Thus, private respondents are duly entitled for further promotion. It is argued that once the law has been declared by the Apex Court holding that the degrees shall be revived fully on passing the test and coupled with the clear stand of AICTE that degrees of the private respondents are valid for all purposes, under Article 141 of the Constitution of India, law declared by the Apex Court shall prevail over the rules.

39. Ld. Senior counsel further points out that the communication dated 11.06.2026 addressed by Respondent No.2 relied upon by the Petitioners themselves as Annexure P-4 and the consequent scheduling of the

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meeting of the Departmental Promotion Committee for 13.07.2026, in fact demonstrates that the Respondent-Department, being the custodian of the service records of the private Respondents and being fully conscious of the correct legal position flowing from the judgments discussed hereinabove, has, after due application of mind, forwarded the names of the private Respondents, whose degrees stand validated and revived fully, for consideration on merits by the competent authority in the ordinary and lawful course of promotional exercise. There is nothing illegal, arbitrary or contumacious in the said action; on the contrary, it represents the correct and lawful implementation of the binding directions of the Hon'ble Supreme Court.

40. It is lastly contended that the Petitioners have approached this Court with considerable and unexplained delay and laches as the private Respondents had cleared the AICTE validation test as far back as in the year 2018 and their degrees have stood revived, recognised and reflected in their service records for a period exceeding seven years without a shred of objection from the Petitioners or from the Respondent-Department. It is only now, when the private Respondents have, in the ordinary course of seniority and eligibility, become due for consideration for promotion to the post of Executive Engineer, that the Petitioners have rushed to invoke the extraordinary jurisdiction of this Court, in a belated and mala fide attempt to stall a legitimate promotional process at the very last moment, thereby causing grave, irreparable damage to some of the private Respondents who are nearing superannuation, irreversible prejudice to their seniority and career

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progression. It is trite that a writ court exercising extraordinary jurisdiction under Article 226 of the Constitution of India is not obliged to come to the aid of a party guilty of such inordinate, unexplained delay, more particularly where the relief sought would unsettle a position that has held the field, unchallenged, for several years.

41. It is accordingly prayed that present writ petition be dismissed.

42. Ld. State counsel has reiterated the arguments of the learned Senior counsel appearing for the private Respondents. It is further submitted that the petitioners have no locus to file the present writ petition as before approaching this Court they never made any challenge to the degree of private Respondents for the purpose of promotion and never made any representation to the competent authority. Moreover, Petitioners in the present case are not within the consideration zone for the promotion to the post of XEN, as they are juniors to the private respondents and do not posses requisite experience of 8 years as SDE. Ld. State counsel refers to Para 5 of the Reply filed by the State on behalf of Respondents no. 1 and 2 dated 14.08.2026, wherein it is stated that the private Respondents had obtained degrees in Civil Engineering from deemed-to-be Universities and thereafter successfully qualified the AICTE-UGC Special Examination, 2018, conducted pursuant to the directions of the Hon'ble Supreme Court in *Orissa Lift Irrigation (supra)*, and the subsequent orders. In terms of the said Judgment, the engineering degrees of candidates who successfully cleared the Special Examination stood fully revived. Ld. State counsel also refers to Para 6 of the above reply to submit that eligibility of each individual officer was examined

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independently and strictly in accordance with the applicable statutory provisions and service record. The Department did not mechanically consider any officer for promotion. Mere inclusion of any officer within the zone of consideration did not confer any vested right to promotion.

43. It is further submitted that the intent of Hon'ble Apex Court was never to let such degree holders stagnate in their career once their degree stands duly revived after clearing their exams which is clear from the reading of 2019(8) SCC 280 para no.10 - If the degrees stood restored in terms of the directions in the Judgment and the Order, the candidates would certainly be eligible to such entitlements as are available in accordance with law; and "restoration" would only be of those benefits, which they were enjoying as on the date of the Judgment. In short, the intent was to restore status quo ante and not to confer any additional advantage by the Judgment and the Order.

44. In rebuttal, led. Senior counsel for the petitioners submits that the argument of the private respondents that they had not sought the benefit of their degrees at the time the Judgment was rendered in *Orrisa Lift Irrigation (supra)* and therefore, are entitled to seek the benefit now is completely erroneous. If the private respondents had not taken the benefit of their invalid degrees at the time Judgment was rendered in *Orrisa Lift Irrigation (supra)*, no additional advantage/benefit can be granted to them after rendering of the said Judgment. Additional advantage/benefit will include any service benefit including promotion. If it was the intent of the Hon'ble Supreme Court to regularise all distance learning degrees and make them at par with their regular degrees, there was no need of the observations of the Hon'ble Supreme Court

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as rendered in the case of *Ashok Kumar (supra)*. The observations of the Hon'ble Supreme Court in *Ashok Kumar (Supra)* under Article 141 are law of the land and once the Hon'ble Supreme Court has rejected the same argument and prayer as raised by the private respondents this Court is bound by the observations in *Ashok Kumar (supra)*.

45. It is further submitted that the argument of the private respondents herein that restoration of their degrees and granting of additional benefit are two different things is also erroneous as any benefit granted in pursuance to restoration of a degree after judgment in *Orrisa Lift Irrigation (supra)* will come under the purview of additional advantages/benefits. The Hon'ble Supreme Court by taking a sympathetic view has only secured the employment of candidates who have undergone degrees through distance learning, otherwise, a person cannot be continued in employment on the basis of invalid degrees. Moreover, the Hon'ble Supreme Court in *Ashok Kumar (supra)* has held that if the candidates had enrolled themselves in courses leading to degrees in Engineering through Distance Education Mode without express permission of the Department no benefit of *Orissa Lift Irrigation (supra)* can be granted to such candidates. Prayer for allowing the writ petition is reiterated.

46. No other argument is raised on behalf of the parties. I have heard Ld. Senior Counsel for the parties and perused the case file in minute detail. After having given my very thoughtful consideration to the submissions advanced on behalf of both the parties, I find no merit in the submissions of the petitioners.

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47. The Petitioners have approached this Court praying for issuance of directions to the respondents to not consider the candidature of the private respondents herein for promotion to post of Executive Engineer. To support their case, the petitioners have primarily relied upon the Judgment dated 3.11.2017 rendered by the Hon'ble Supreme Court in ***Orissa Lift Irrigation Corporation Ltd. versus Rabi Shankar Patro and others, reported as (2018) 1 SCC 468;*** and the Order dated 13.8.2019 (Annexure P-3), rendered in ***Contempt Petition (C) Nos.408-409 of 2019 in Civil Appeal Nos.17869-17870 of 2017, Ashok Kumar and others versus Depinder Singh Dhesi and others,*** to contend that in view of the abovesaid Rulings, no *"additional benefit"* such as promotion etc. - except those benefits which were being enjoyed at time of suspension of degree - could be granted to private respondents. Further reference has been made to Rule 7 of Haryana Development and Panchayat Department (Group B) Service Rules, 2016 to contend that as per Rules degree obtained through distance education mode could not be considered for appointment by any mode of recruitment. The issue, therefore, is regarding eligibility of private respondents to be considered for promotion as Executive Engineer from the current posting as Sub Divisional Engineer (Civil) in Haryana Development and Panchayat Department.

48. However, before dealing with the legal contentions of the petitioners, it is first apt to appreciate certain material and important factual aspects pertinent to the issue at hand. It is evident from the averments made in Para 2 of the writ petition that petitioners were promoted as Sub Divisional Engineer on 14.8.2023-2024. Whereas private respondents were promoted as

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SDE between 3.9.2019 to 11.7.2023, thereby clearly establishing that the private respondents are senior to the petitioners. The aforesaid seniority is duly reflected in the Seniority list (Annexure R-9 of the CM No. 12942 of 2026 filed by the private respondents No. 3 to 5, 7, 8 and 11 for directing the official respondents to keep in abeyance entire process of promotion to the post of Executive Engineer including the scheduled meeting of Department Promotion Committee on 03.08.2026 considering therein names of juniors to the applicants for promotion till the time application filed by applicants under Article 226(3) of the Constitution of India is not decided. Vide order dated 3.8.2026 passed by this Court, while showing notice in the said application, official respondents were directed to keep in abeyance the entire process of promotion till the next date of hearing i.e. 18.8.2026. Although the said application has not been formally allowed; however, since the DPC meeting was to be held on 03.08.2026, and the process was stayed till 18.08.2026, hence the said application has been rendered infructuous).

Thus, as per the Seniority list (Annexure R-9), it is clearly established that all the petitioners are junior to the private respondents. Moreover, as pointed out by the learned State Counsel, petitioners do not even possess the requisite experience of eight years as SDE. As such, petitioners are not even in zone of consideration for further promotion to the post of Executive Engineer. Thus, prima facie, petitioners are unable to establish their locus as they are not even eligible for promotion as yet and are junior to the private respondents.

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49. Further, during the course of arguments, Ld. Senior Counsel for the petitioners has submitted that even the *initial promotion* of the private respondents to the post of *SDE (Civil)* - which is a feeder post for promotion to Executive Engineer - was bad on account of it having been made on the basis of degree obtained through Distance Education Mode by placing reliance on Rule 7 of the Rules, 2016 (Annexure P-1). However, in this regard ld. Senior counsel has omitted to refer to Rule 9(1)(a)(ii) of the 2016 Rules, as per which 4 modes are provided for promotion to the post of SDE (Civil), which are as under:-

i) 32% from amongst Diploma Holder Junior Engineers (Civil);
ii) 6% from amongst diploma holder Circle Head Draftsmen (Civil)/ Head Draftsmen (Civil);
iii) 11% from amongst degree holder Junior Engineers (Civil); and
iv) 1 % amongst degree holder Circle Head Draftsmen (Civil), Head Draftsmen (Civil) and Draftsmen (Civil)

50. The essential qualifications for promotion under each of the respective category/ quota is provided in Appendix B; which makes it clear that for promotion to post of SDE under diploma holder category, there is no requirement for degree in engineering.

51. It is imperative to note that the private respondents have not been promoted on the basis of the degree but under category of diploma holder either from amongst Junior Engineers (Civil) or Circle Head Draftsmen (Civil)/ Head Draftsmen (Civil). This fact is established from CM No. 12942 of 2026. Thus, objection of petitioners to initial promotion of private respondents

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as SDE being improper, and therefore their ineligibility for further promotion, is without basis.

52. Moreover, the aforesaid submission of the petitioners is also liable to be rejected on the ground that the same is beyond the pleadings; as neither any prayer to that effect has been made challenging promotion of the private respondents as SDE nor it has been so pleaded in the entire writ petition except reproduction of Rule 7 of the Rules, 2016 in para no. 3 of the writ petition. Thus, the said submission deserves to be rejected at the very outset; even though it would be seen from the discussion to follow that the private respondents have established that their promotion, even if it would have been on the basis of Degree of Engineering obtained through Distance Education Mode would have been valid in terms of the law settled by the Hon'ble Supreme Court.

53. Now as regards the legal aspect of the matter, it is the contention of the ld. Senior Counsel for the petitioners that in pursuance to the Clarificatory Order dated 22.1.2018, after the private respondents were permitted to take the examination conducted by the AICTE in 2018, no further benefit would be admissible to them; as, vide the Order dated 13.08.2019 (Annexure P-3), the Hon'ble Supreme Court had held that no "*additional benefit"* is admissible to any of the candidates, who had obtained their degrees through Distance Education Mode from deemed Universities. It is their contention that the status of the private respondents would freeze as on 03.11.2017 i.e., date of Judgment in the case of *Orissa Lift Irrigation (supra)*. Thus, the controversy is surrounding interpretation and correct reading of the

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Judgment, the Clarificatory Order, and the Order of the Apex Court. Upon in-depth examination of the matter, it is the considered view of this Court that the aforesaid submission of the petitioners that the envisaged promotion of the private respondents now is "additional benefit" which cannot be endowed upon them, is based on reading of selective paras of the Judgment, the Clarificatory Order, and the Order of the Hon'ble Apex Court. In this regard, it is necessary to consider the relevant facts, and the observations made by the Apex Court in each of the above.

54. In the **Judgment dated 3.11.2017** rendered by the Hon'ble Supreme Court in case of ***Orissa Lift Irrigation Corporation Limited Vs. Rabi Sankar Patro and others 2018 (1) SCC 468***, the Issue before Apex Court pertained to the validity of engineering degree obtained through Distance Education Mode and the grant of ex-post-facto approval by the UGC to the degrees obtained from deemed to be universities by students enrolled during academic session 2001-2005. Vide the Judgment dated 3.11.2017, Hon'ble Supreme Court held the ex post facto approval granted by UGC in 2004 to the degrees of students enrolled during academic session 2001-2005 to be invalid. However, such students who obtained degree through distance education mode and were enrolled in academic session 2001-2005 were given chance to get their degrees validated on passing of test to be conducted by AICTE. Further the degrees obtained through distance education mode by students who enrolled post academic session 2001-2005 were declared to be invalid. To remove any ambiguity, it would be helpful to refer to the relevant extract of the Judgment dated 3.11.2017, which is as under: –

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*"**57**. Having found the entire exercise of grant of ex-post-facto approval to be incorrect and illegal, the logical course in normal circumstances would have been not only to set aside such ex-post-facto approvals but also to pass consequential directions to recall all the degrees granted in pursuance thereof in respect of Courses leading to award of degrees in Engineering. However, since 2004 UGC Guidelines themselves had given liberty to the concerned Deemed to be Universities to apply for ex-post-facto approval, the matter is required to be considered with some sympathy so that interest of those students who were enrolled during the academic sessions 2001- 2005 is protected. Though we cannot wish away the fact that the Deemed to be Universities concerned flagrantly violated and entered into areas where they had no experience and started conducting courses through distance education system illegally, the over bearing interest of the students concerned persuades us not to resort to recall of all the degrees in Engineering granted in pursuance of said ex-post-facto approval. However, the fact remains that the facilities available at the concerned Study Centres were never checked nor any inspections were conducted. It is not possible at this length of time to order any inspection. But there must be confidence and assurance about the worthiness of the students concerned. We, therefore, deem it appropriate to grant some chance to the students concerned to have their ability tested by authorities competent in that behalf. We, therefore, direct that all the degrees in Engineering granted to students who were enrolled during the academic years 2001 to 2005 shall stand suspended till they pass such examination under the joint supervision of AICTE-UGC in the manner indicated hereinafter. Further, every single advantage on the basis of that degree shall also stand suspended.*

***58**. AICTE is directed to devise within one month from the date of this judgment modalities to conduct appropriate test(s) both in*

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written examination as well as in practicals for the students concerned admitted during the academic sessions 2001-2005 covering all the subjects concerned. It is entirely left to the discretion of AICTE to come out with such modalities as it may think appropriate and the tests in that behalf shall be conducted in the National Institutes of Technology in respective States wherever the students are located. The choice may be given to the students to appear at the examination which ideally should be conducted during May- June, 2018 or on such dates as AICTE may determine. Not more than two chances be given to the students concerned and if they do not pass the test(s) their degrees shall stand recalled and cancelled. If a particular student does not wish to appear in the test(s), the entire money deposited by such student towards tuition and other charges shall be refunded to that student by the Deemed to be University concerned within a month of the exercise of such option. The students be given time till 15.01.2018 to exercise such option. The entire expenditure for conducting the test(s) in respect of students who wish to undergo test(s) shall be recovered from the Deemed to be Universities concerned by 31.03.2018. If they clear the test(s) within the stipulated time, all the advantages or benefits shall be ***restored*** *to the candidates concerned. We make it clear at the cost of repetition that if the candidates concerned do not clear the test(s) within the time stipulated or choose not to appear at the test(s), their degrees in Engineering through distance education shall stand recalled and cancelled. It goes without saying that any promotion or advancement in career on the basis of such degree shall also stand withdrawn, however any monetary benefits or advantages in that behalf shall not be recovered from them.*

59. *As regards the students who were admitted after the ex post facto approval granted in favour of such deemed to be universities, in our view, there was no sanction whatsoever for their admission. The policy statements as well as warnings issued from time to time*

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were absolutely clear. The students were admitted on the strength either of provisional recognition or on the strength of Interim orders passed by the High Court. We therefore, declare that in respect of students admitted after the academic sessions of 2001-2005, the degrees in Engineering awarded by the deemed to be universities concerned through distance education mode shall stand recalled and be treated as cancelled. Any benefit which a candidate has secured as a result of such degrees in Engineering in the nature of promotion or advancement in career shall also stand recalled. However, If any monetary benefit was derived by such candidates that monetary benefit or advantage will not be recovered by the departments or employers concerned. We, further direct that the entire amount paid by such students to the deemed to be universities concerned towards tuition fee and all other expenditure for such courses through distance education learning shall be returned by the deemed to be universities concerned to the respective students. This direction shall be complied with by the deemed to be universities concerned scrupulously and the amounts shall be returned by 31-5-2018 and an appropriate affidavit to that extent shall be filed with UGC within a week thereafter.

XXX XXX XXX

***64**. Thus, interest of justice requires that the following issues also need to be addressed:*

***64.1**. (i) Action for failure of system, inter alia, on account of misconduct of some of the functionaries who failed to uphold the law and granted approvals contrary to the policy and the rules;*

***64.2.** (ii) Manning of the UGC;*

***64.3.** (iii) Appropriate oversight and regulatory mechanism especially for distance education degrees especially those relating to technical education by the Deemed to be Universities in future;*

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> ***64.4.*** *(iv) Review of the Deemed to be Universities status granted to the Deemed to be Universities in the past in the light of this Judgment and in the light of their working;*
>
> *XXX XXX XXX*
>
> ***66.4.*** *AICTE shall devise the modalities to conduct an appropriate test(s) as indicated in Para 58 above. The option be given to the concerned students whose degrees stand suspended by 15.01.2018 to appear at the test(s) to be conducted in accordance with the directions in Para 58 above. Students be given not more than two chances to clear test(s) and if they do not successfully clear the test(s) within the stipulated time, their degrees shall stand cancelled and all the advantages shall stand withdrawn as stated in Paras 57 and 58 above. The entire expenditure for conducting the test(s) shall be recovered from the concerned Deemed to be Universities by 31.03.2018.*
>
> ***66.5.*** *Those students who do not wish to exercise the option, shall be refunded entire money deposited by them towards tuition fee and other charges within one month of the exercise of such option. Needless to say their degrees shall stand cancelled and all advantages/benefits shall stand withdrawn as mentioned in Para 58.*
>
> ***66.6.*** *If the students clear the test(s) within the stipulated time, all the advantages/benefits shall be* ***restored*** *to them and their degrees will stand* ***revived fully****."* **(Emphasis added)**

55. It is important to note that in para 57 reproduced above, the Hon'ble Apex Court has directed to 'suspend' all the degrees till such time as the test is cleared. The word "suspended" has been consciously used in contradistinction to 'annulment' or 'cancellation' of degrees altogether. The terms 'recalled' and 'cancelled' have been used only in case of failure to clear

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the test. The penultimate direction of the Judgment therefore is that the Hon'ble Apex Court in categoric words held that all degrees obtained by candidates enrolled in academic session 2001-2005 shall stand 'suspended'. It is the clear view of this Court that 'suspension' of degrees is merely a temporary deferment/Interlude/interruption/postponement, that by it's very meaning necessarily envisages revival thereof upon fulfilment of the conditions imposed, which, in the present case are the Two chances which were given to clear the tests; and on passing test/ tests not only all advantages/ benefits shall be restored but even the degrees shall revive fully. Suspension itself is a mere hiatus between two intervening possibilities. Upon fulfilment of the conditions, the said suspension is revoked. The Judgment is thus, unequivocal and clear that degrees of candidates who were enrolled in academic session 2001-2005 obtained through distance education mode were only 'suspended', as opposed to recalled/annulled; and on passing of the AICTE test, degree shall stand revived fully. A natural corollary thereto is that all benefits/ advantages shall be restored as directed by the Apex Court. It needs to be emphasised that the Hon'ble Apex Court used two words ***"restoration of benefits"*** and ***"revival of degree fully"*** which means that not only advantages already taken on account degree shall stand restored on its validation after passing test; but the degree itself shall revive fully which has only one meaning i.e. all the benefits which would flow from valid degree, whether past or future, would flow without any fetter. With utmost deference to the Apex Court, this is the only interpretation that can be given. Any other interpretation would be otiose to the fundamental tenets of Service

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Jurisprudence, of career progression/ stagnation. If the submission of the petitioners is accepted it would mean adding unintended words, meanings and connotations to the Judgment rendered by the Apex Court as the Apex Court held in clear and categoric words that the degree shall *revive fully*. Nothing was mentioned that no further benefit arising out of degree can be obtained. Consequently, the said degrees constitute valid and legally recognized qualifications for all purposes under the applicable Service Rules. Only benefits already obtained were suspended temporarily, and same were also ordered to be restored on passing of the test. Thus, on a bare reading of the main Judgment, the argument being canvassed by the petitioners is flawed and liable to be rejected.

56. Further, in Para no. 58 of the Judgment, the Hon'ble Apex Court directed AICTE to devise modalities of test to be conducted and it was held that if students clear their test/tests within the stipulated time, all the advantages or benefits shall be restored to the concerned candidates. The aforesaid paras makes it clear that intent of the Hon'ble Supreme Court was to save the degrees of students who enrolled in the years 2001-2005; and to the contrary in para 59 of the Judgment, degrees obtained by students enrolled thereafter i.e. after 2001-2005 were ordered to be recalled and cancelled - as opposed to suspension.

57. Thereafter, the **Clarificatory Order dated 22.1.2018** came to be passed in ***Orissa Lift Irrigation Corporation Ltd. v. Rabi Sankar Patro 2018 (2) SCC 298***. The necessity arose as, after passing of main Judgment dated 3.11.2017 several diploma holders and degree holders in Engineering obtained

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through distance education mode enrolled in academic session 2001-2005, had approached the Apex Court contending that exception be made in favour of such candidates who have obtained jobs directly based on these degrees (unlike the private respondents herein). Their contention was that the main Judgment dealt with in-service candidates and therefore, suspension of degrees of in-service candidates would not result in losing jobs but those persons who were directly appointed based on such degrees would lose their jobs. Some other candidates who filed applications, clarified that Judgment does not apply to M.Tech degrees obtained through distance education mode and diploma courses are also not covered within the ambit of the Judgment.

58. In light of the aforesaid facts and clarification applications, the Hon'ble Apex Court clarified and modified directions. The Court observed that some force is found in submission that upon suspension of degrees the candidates may lose their jobs and even if they pass test, restoration of their jobs would pose difficulty. Relevant extract of the Clarificatory Order dated 22.1.2018 is as follows:

> *"2. The applicants, holding diplomas in Engineering, enrolled themselves in 2005 in courses leading to award of B.Tech degree offered by deemed to be university in question through distance learning mode. Later, on the basis of the degrees awarded by the deemed to be universities, they underwent independent selection undertaken by the Union Public Service Commission and entered certain services as direct recruits and have presently either been engaged in the same service or have advanced in career on the basis of such selection by UPSC.*
>
> *XX XX XX*

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25. We now turn to the general submission advanced by all the learned counsel that the candidates after securing the degrees in Engineering through distance education mode, have advanced in career and that their ability was tested at various levels and as such requirement of passing the examination in terms of the judgment be dispensed with in their case. We cannot make any such exception. The infirmity in their degrees is basic and fundamental and cannot be wished away. At the same time, we find some force in their submission that if the suspension of their degrees and all advantages were to apply as indicated in the judgment, the candidates concerned may lose their jobs and even if they were to successfully pass the test, restoration of their jobs and present position would pose some difficulty.

26. We, therefore, as a one-time relaxation in favour of those candidates who were enrolled during the academic years 2001-2005 and who, in terms of the judgment, are eligible to appear at the test to be conducted by AICTE, direct:

> *26.1. All such candidates, who wish to appear at the forthcoming test to be conducted by AICTE in May-June 2018 and who exercise option to appear at the test in terms of the judgment, can retain the degrees in question and all the advantages flowing therefrom till one month after the declaration of the result of such test or till 31-7-2018 whichever is earlier.*
>
> *26.2. This facility is given as one-time exception so that those who have the ability and can pass the test in the first attempt Itself, should not be put to inconvenience.* ***If the candidates pass in such first attempt, they would be entitled to retain all the advantages****. But if they fail or choose not to appear, the directions in the judgment shall apply, in that the degrees and all advantages shall stand suspended and withdrawn. At the cost of repetition, it is made clear that no more such chances or exceptions will be given or made. They will undoubtedly be entitled to appear on the second occasion in terms of the judgment but this exception shall not apply for such second attempt.*

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> *26.3. We direct AICTE to conduct the test in May-June 2018 and declare the result well in time, in terms of our directions in the judgment and this order. AICTE shall however extend the time to exercise the option to appear at the test suitably.*
>
> *27. Except for the directions given in the preceding paragraph i.e. para 26 and the clarification as regards courses leading to award of diplomas as mentioned hereinabove, we reject all the other submissions.*
>
> *28. All applications, petitions and writ petitions stand disposed of in aforesaid terms. No costs.*" **(Emphasis added)**

59. The Clarificatory Order dated 22.01.2018 thus, clarified as to how the period from date of passing of Judgment till passing of Test was to be treated and granted one time exception to save effect of suspension as was envisaged in the main Judgment. However, the effective declaration contained in para 66.6 of the main Judgment as regards revival of the degree fully remained intact and was not even subject matter of clarification and modification application. Rather, the same came to be reiterated and reinforced more explicitly.

60. Lastly, **the Order dated 13.8.2019** passed in ***Contempt Petition (C) No. 408-409 of 2019 in Civil Appeal Nos.17869-17870 of 2017, 'Ashok Kumar and others versus Depinder Singh Dhesi and others'*** **reported as (2019) 8 SCC 280** has been heavily relied upon by the petitioners to contend that the Apex Court has held no additional benefit other than the benefit granted to the candidates on the date of suspension of degree shall be granted. However, to the contrary, as noted above, the Hon'ble Apex Court made it explicitly clear that on validation of degrees, the candidates would be

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eligible for *all* entitlements as available in law. Thus, to canvas that no other additional benefits were to be granted is against the dictum of the Court. No other the interpretation is possible.

61. In this regard, it is imperative to first clarify the facts which led the Hon'ble Apex Court to observe that no additional benefits would be admissible. It is necessary to note that the said direction is to be read in the context of the facts in which it was issued. The contempt petition was instituted by 9 petitioners alleging violation of the Judgment dated 03.11.2017 and the Clarificatory Order dated 22.01.2018. The contention of the contempt-petitioners was that they had enrolled themselves in the courses leading to Degrees in Engineering through distance mode during the period 2001-2005. They cleared the test conducted by AICTE in first attempt. After clearing the test, they submitted representations stating that they are entitled to all the benefits arising from degrees and thus, due benefit of promotion be released to them. It is imperative to clarify here that before passing of the Judgment and conducting of test by AICTE the Contempt-petitioners were not given any benefit of promotion by relying on their degrees, thus, they were seeking benefit retrospectively after their degrees got validated. To counter the stand of the contempt-petitioners therein, the State Government filed Counter Affidavit (Annexure R-7); in which it was stated that Judgment intended to restore only such benefits which stands already granted and would not include grant of any benefit which was not granted; as few of the petitioners have acquired degree without taking due permission as per the service rules. The State Government specifically stated in para no. 14 of the said affidavit that

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contempt-petitioners who had obtained permission before acquiring the degrees and their degrees have been validated upon passing the test conducted by AICTE, they will be given benefit of acquiring their B.Tech degree through distance education mode prospectively from the date they have passed test conducted by AICTE, however, no benefit would be given to such petitioners who had acquired the degrees in violation of instructions of the State Government issued from time to time.

62. The aforesaid position has been duly taken note of and succinctly clarified by the Hon'ble Apex Court in para nos. 8 to 11 of the Order dated 13.8.2019 (Annexure P-3) in *Ashok Kumar's case supra,* which read as under: -

> *"11. In spite of the conclusion that (a) courses leading to Degrees in Engineering could not be taught through Distance Education Mode without there being express guidelines issued by AICTE permitting such mode; and (b) the deemed to be Universities in question were not entitled to start courses in Engineering through Distance Education Mode without prior approval under the AICTE, the facility of benefit as detailed in paragraphs 57 and 58 of the Judgment was extended to the students. Though the Degrees obtained through Distance Education Mode were prima facie not in accordance with law, the students enrolled during the academic sessions 2001-2005 were given two chances to prove their worth and it was directed that if they clear the test, <u>they would continue to derive advantages flowing from such Degrees.</u>*
>
> *12. It may be mentioned here that there could possibly be variety of advantages derived by the candidates on the basis of such Degrees awarded at least 10 years before the Judgment was pronounced. During this period some of the candidates might have progressed in career on the basis of such Degree, while some could possibly have acquired Post-Graduate qualifications*

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such as M.Tech and M.B.A. on the strength of such Degrees. It was in this light, that the Court ruled that though from the date of the Judgment all the advantages and benefits flowing or arising from such Degrees would stand suspended, the benefits or advantages would get revived after the candidates had cleared the examination, spoken of in said paragraphs 57 and 58. If any candidate either failed to clear the examination in two attempts or if he chose not to appear in the examination, the Degree would stand annulled completely disentitling the candidate to all the benefits and advantages flowing from such degrees.

13. Some candidates approached this Court submitting that if in terms of the Judgment the benefits or advantages were to be withdrawn and could be regranted or restored only after the candidates had cleared the examination, it may entail some prejudice to the candidates. Some of the candidates who had obtained Post-Graduate Degrees and were employed on the strength of such Degrees would be required to surrender such benefits; and even if they were to pass the examination in the first attempt, it may still require restoration of the benefits leading to situations of inconvenience and prejudice. The directions in the Judgment were therefore modified to a certain extent in the Order. It was, therefore, laid down by way of further concession in the Order that all the candidates who desired to appear in the upcoming examination could retain all the advantages and benefits till one month after declaration of the result of test or till 31.07.2018 whichever was later. The benefit of retaining the advantages was thus extended only till the first attempt. Those who could not clear the examination in first attempt or chose not to appear in the examination conducted in May/June, 2018 were not entitled to the concessions extended by the Order.

14. It was, therefore, clear that the candidates who, on the strength of such Degrees awarded through Distance Education

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Mode, had attained a particular level in their career or were enjoying certain benefits as on the date of the Judgment and if they pass the examination, those benefits would stand restored. ***If the candidates could clear the examination in the first attempt itself, there would not even be any break in continuous enjoyment of those benefits or facilities***. *The idea was, candidates should not stand deprived of the status that they were enjoying as on the day of the Judgment provided the candidates could prove their worth and ability.*

15. ***But if, the candidates concerned had not attained any particular status, as on the date when the Judgment was passed, the width of the directions was not to confer any additional advantage which was not even enjoyed as on the date***. *It was not the idea to hold the candidates to be entitled to certain additional benefits which the candidates were, as a matter of fact, not even enjoying on the date of the judgment.* ***If the degrees stood restored in terms of the directions in the Judgment and the Order, the candidates would certainly be eligible to such entitlements as are available in accordance with law****, but "restoration" would only be of those benefits, which they were enjoying as on the date of the Judgment. In short, the intent was to restore status quo ante and not to confer any additional advantage by the Judgment and the Order.*

16. In the present case serious objection has been raised on behalf of Department that the candidates concerned had enrolled themselves in courses leading to Degrees in Engineering through Distance Education Mode without express permission of the Department and/or the Department did not recognise the Degrees in Engineering awarded through Distance Education Mode or that the concerned candidates were not granted any study leave to pursue such courses. If the Degrees were so obtained in violation of the norms and parameters laid down by

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> *the Department concerned, the matter assumes completely different complexion. The directions issued by this Court in the Judgment and the Order never directed to confer such advantages which the candidates were otherwise not enjoying on the date when the Judgment and clarificatory Order were passed. If there was serious infirmity in the Degrees so obtained by the candidates, the matter ought to be sorted out either through representation or through properly instituted challenge in that behalf. If the promotion was not granted and was not being enjoyed as on the day when the judgment was passed, there was no violation of any direction issued by this Court. As is evident, the representations made by the Contempt Petitioner claimed conferral of certain status and benefits which they were not enjoying earlier. <u>If there be any grievance on that front, the entitlement needs to be established in proceedings other than a Contempt Petition</u>."* **(Emphasis added)**

63. Thus, in the aforesaid facts and circumstances where even those employees who had obtained degrees in contravention of the service rules, the Apex Court crystallized legal position in para 10 of the Order. In Para 10 the word used again is "restoration" of benefits which were already enjoyed. At the same time, it was held that candidates would be eligible for "entitlements" as are available '*in accordance with law*'. The discussion in para 11 of the Order, as regards the facts of case, makes it clearer that word "additional benefit" was not intended to stop future promotion as is being canvassed by the petitioners. In this para also, the Hon'ble Apex Court used two words, *"restoration*" and *"entitlement"* holding that no additional benefit which was not being enjoyed would be restored and at the same time it was held that *entitlement needs to be established other than a contempt petition.*

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Restoration of benefit is contemplated for persons who had taken the degrees from Institutes who were functioning without permission from the concerned authorities. How such persons are to be dealt with and remedy for such persons, has been clarified in para 11 of the order dated 13.08.2019 in the Contempt Petition.

64. The legal position thus, culled out from the above discussion is that:

(i) On passing of test conducted by AICTE, degrees will revive fully (in terms of Para 66.6 of main Judgment) and candidates are eligible to such entitlements as are available in law.

(ii) If test is passed in first attempt, the benefits already drawn from degree shall be retained by the candidate without any break.

(iii) If test is not passed in first attempt, advantages already drawn shall stand suspended and withdrawn. They will however, be entitled to give second attempt and in that case also degree will stand revived but for the period in between advantages taken based on degree shall stand suspended.

(iv) Any benefit or advantage not already enjoyed would not be “restored” as Judgment did not intend to confer any “additional benefit” which was not being enjoyed on the date of degree.

(v) However, post revival or validation of degree, candidate shall be eligible to all “entitlements” in accordance with law, because neither the main Judgment nor subsequent Orders put any such fetter on the degree after its validation.

(vi) Even AICTE vide Circulars dated 09.06.2020, 20.10.2023 and 30.01.2024 (Annexure R-8/ of CM No. 12940 of 2026) has clarified that on passing of test, degree shall be validated in all respects from the date of award of original degree.

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65. To sum up, it can be said that the Petitioners and private respondents are currently at the post of SDE. All petitioners are junior to the private respondents, and they have not even acquired qualifying service for consideration for promotion. Thus, all petitioners are ineligible candidates. The degrees of private respondents have been validated by AICTE after passing of test in terms of direction given by the Hon'ble Apex Court. The private respondents are also eligible for promotion in terms of Rule 7 and 9 of Rules, 2016. Further Appendix B (at page no. 73 of the paperbook) lays down essential qualification for the promotion to post of Executive Engineer. Besides Rule 17 of the said rules permits the Government to give such relaxation as considered expedient for the reasons to be recorded in writing and thus, names of the private respondents were being considered for promotion to post of Executive Engineer. In view of above it is clear that the private respondents are not seeking *"restoration of any additional benefit",* instead they are praying for "entitlement" of promotion based on valid degree prospectively in accordance with law. Thus, entire premise of the argument of the petitioners is fallacious and if such argument is accepted it would make the entire process carried out by the Hon'ble Supreme Court in main Judgment redundant which was only aimed to revive degree fully.

66. In these fact and circumstances, it would be apposite to referred to judgment rendered by Division Bench of this Court in case of ***Rajpal and another v. State of Haryana and others CWP No. 1591 of 2017 decided on 09.04.2026***. It was case wherein petitioners had cleared exam conducted by AICTE and were seeking promotion. Their claim was denied on ground that

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their qualification is by way of distance education mode. Relevant para is extracted as follows:-

> *"6. In that view of the matter we are of the considered view that once the petitioners' qualification, required for the promotional post, has been validated under the orders of the Hon'ble Supreme Court in Orissa Lift Irrigation Corp. Ltd. (supra), there would be no justification not to extend consideration to petitioners' claim for promotion from the date their immediate juniors were granted such benefit. The respondents, therefore, shall examine such claim of the petitioners by passing appropriate orders within a period of two months. The benefit of promotion would be notional for the period the petitioners have not worked on the actual promotional post. The respondents shall be at liberty to verify the claim of the petitioners that they are actually holding current duty charge on the promotional post. In order to extend the consideration to petitioners' claim the order impugned in the writ petition contained in Annexure P-5 stands quashed.*
>
> *7. In view of the legal position settled in the orders of the Hon'ble Supreme Court in All India Council of Technical Education and Orissa Lift Irrigation Corp. Ltd. (supra), the Rules under Challenge in the present petition would have to be read down in light of the judgment…"*

67. Thus, the Hon'ble Division Bench held that once the degrees have been validated there is no justification to not extend consideration to petitioner's claim for promotion. Rules challenged in the petition were read down in terms of Judgment in *Orissa Lift Irrigation (supra)*.

68. Further reference may be made to another Division Bench judgment of this Court in ***State of Haryana and another v. Sanjeev Tanwar***

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LPA No. 1659 of 2024 decided on 21.10.2024, **Neutral Citation No. 2024:PHHC:137534-DB,** wherein also while interpreting the Judgment it was held that after passing of degree, candidate shall be entitled to enjoy all fruits of validated degree. Relevant paras are extracted as follows:-

> *"(12) A perusal of the afore reproduced paragraphs of the judgment of the Supreme Court in Orissa Lift Irrigation Corporation's case (supra) leaves no room for any doubt in our minds that if a student who held an Engineering degree through distance mode and was enrolled in the said Engineering course between the years 2001-2005 passed the examination conducted jointly by AICTE-UGC in May-June, 2018 within two attempts, all the advantages or benefits under the Engineering degree possessed by him shall be restored and that his degree shall stand fully revived.*
>
> *(13) The reliance by the learned State counsel on paragraph No.10 of the judgment of the Supreme Court in **Ashok Kumar's** case (supra) is found to be misplaced. Rather, the observations made by the Supreme Court in this paragraph support the respondent's case as in this paragraph the Supreme Court has observed that all the benefits being enjoyed by the degree holders through distance mode on the date of the judgment rendered by the Supreme Court in **Orissa Lift Irrigation Corporation's** case (supra) would get restored if these candidates would show their worth by passing the examination to be jointly conducted by the AICTE-UGC in May-June, 2018. Paragraph 10 of the judgment of the Supreme Court in Ashok Kumar's case (supra) reads as follows :-*
>
> > *"10. It was, therefore, clear that the candidates who, on the strength of such Degrees awarded through Distance Education Mode, had attained a particular level in their career or were enjoying certain benefits as on the date of the Judgment and if they pass the examination, those*

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benefits would stand restored. If the candidates could clear the examination in the first attempt itself, there would not even be any break in continuous enjoyment of those benefits or facilities. The idea was, candidates should not stand deprived of the status that they were enjoying as on the day of the Judgment provided the candidates could prove their worth and ability.

But if, the concerned candidates had not attained any particular status, as on the date when the Judgment was passed, the width of the directions was not to confer any additional advantage which was not even enjoyed as on the date. It was not the idea to hold the candidates to be entitled to certain additional benefits which the candidates were, as a matter of fact, not even enjoying on the date of the judgment. If the degrees stood restored in terms of the directions in the Judgment and the Order, the candidates would certainly be eligible to such entitlements as are available in accordance with law, but "restoration" would only be of those benefits, which they were enjoying as on the date of the Judgment. In short, the intent was to restore status quo ante and not to confer any additional advantage by the Judgment and the Order."

(14) Thus, the respondent having been enrolled as a student to pursue his degree course in Civil Engineering between the years 2001-2005 in J.R.N. Rajasthan Vidyapeeth University, Udaipur, through distance mode and having passed the examination conducted jointly by the AICTE-UGC in June, 2018 would be entitled to enjoy all the fruits of his restored and validated degree in Engineering as on passing the test conducted by the AICTE-UGC in June, 2018 he has shown his worth. This would result in the restoration of the respondent's merit position in the select list drawn by the Commission on 22.07.2009 and since he would then be meritorious enough, the direction to appoint him as SDE (Civil) would not constitute "any additional benefit" but would be a necessary consequence of the restoration of the benefit which had been taken away from him only on the ground that the degree possessed by him was through distance mode."

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69. It is clear therefore that in passing the AICTE Test of 2018, the benefits drawn by the private respondents on the basis of their degrees would not stand frozen in time. The Hon'ble Division Benches have clearly held that once the candidate has cleared the AICTE Test, there would be no fetter for the promotion. ***SLP (Civil) Diary No. 17013 of 2025*** filed against the abovesaid judgment stands dismissed by the Hon'ble Supreme Court vide order dated 28.07.2025 passed in ***The State of Haryana and Another vs. Sanjeev Tanwar***. Thus, in view of the above, arguments of the petitioners cannot sustain.

70. As already noted above, in fact, private respondents have derived no benefit from their degrees obtained through distance education mode as the private respondents had been appointed as JE on the basis of their diplomas; and had been subsequently promoted as SDE on the basis of their length of service. Therefore, the private respondents are not seeking anything which was not already given to them on the date of Judgment. The private respondents have taken the AICTE Test only for the purpose of future career progression i.e. promotion to the post of Executive Engineer. It is also admitted fact on record that the private respondents are seniors to all the petitioners. With the passing of the examination, as stated in para 66.6 of the Judgment *"if the students clear the test(s) within the stipulated time, all the advantages/benefits shall be restored to them and their degrees will stand revived fully.",* all benefits stood restored and degrees stood revived fully. It is but trite that if the intention of the Hon'ble Supreme Court was to put an embargo on the future career progression of the candidates who had cleared the Test within the stipulated time, the same would have been explicitly stated

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so in the Judgment. Question to be asked is that if such was the intent of the Hon'ble Apex Court, what prevented their Lordships from explicitly, unambiguously, and unequivocally directing in no uncertain terms that even after passing the 2018-Test conducted by the AICTE and restoration and revival of the degrees, all future promotion, and all benefits thereafter, would stand cancelled for all times to come. There is no such direction even remotely indicating the above. In such a situation, it is not for us to add words where none are intended. The purpose of passing the Test was to bring the persons such as the private respondents at par with the petitioners i.e. to equate the degrees of the private respondents obtained through distance education mode from deemed Universities to the engineering degrees of the petitioners obtained from recognized Universities. Admittedly, all the private respondents herein have passed the AICTE Test of 2018 in the first attempt itself. It is my view that in doing so, private respondents were placed at par with the petitioners for all and every intent and purpose. To say that private respondents would not be entitled to any further benefits, would be inequitable and irrational. Any other interpretation of the Judgment, Clarificatory Order, and the Order, would render nugatory the very purpose of conducting the AICTE Test in 2018. In these circumstances, the judgments relied upon by ld. Senior counsel for the petitioners are distinguishable on facts and law.

71. Keeping in view the above factual and legal position, the present Writ Petition stands **dismissed**.

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72. Pending application(s) if any also stand(s) disposed of.

22.09.2026 **(NIDHI GUPTA)**
Divyanshi **JUDGE**

Whether speaking/reasoned: **Yes/No**
Whether reportable: **Yes**

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