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**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH**

**O. A. No. 111/2009
Jodhpur, this the 30th Day of July, 2010**

CORAM :
Hon'ble Dr. K.B.Suresh, Member (Judicial)
Hon'ble Mr. V.K. Kapoor, Member (Admv.)

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Naresh Prabhakar S/o Shri S.S. Prabhakar aged about 43 years, r/o C-8, Akashvani Colony, Basni Road, Nagaur - 341 001. Presently working as Assistant Engineer, All India Radio, Nagaur (Raj).

Applicant

[By Advocate : Mr. Manoj Bhandari, for Applicant]

-Versus-

- 1- Union of India through the Secretary, Ministry of Information and Broadcasting, Shastri Bhawan, Rajendra Prasad Road, New Delhi.
- 2- The Director General (DG), Akashvani, Akashvani Bhawan, Parliament Street, New Delhi.
- 3- The Engineering-in-Chief, Office of Director General, Akashvani, Akashvani Bhawan, Parliament Street, New Delhi.
- 4- Dy. Director (Administration) (HQ), Office of the Director General (DG), Akashvani, Akashvani Bhawan, Parliament Street, New Delhi.
- 5- The Station Engineer, Zonal Head, All India Radio, Jaipur.

Respondent

(By Advocate : Mr. Vikas Seoul proxy for Mr. Vineet Mathur, for Respondents]

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: O R D E R :
[BY THE COURT]

- 1- Heard both the counsels.
- 2- Sh. Manoj Bhandari, on behalf of the applicant would submit that this matter is exactly similar to OA No. 281/2009

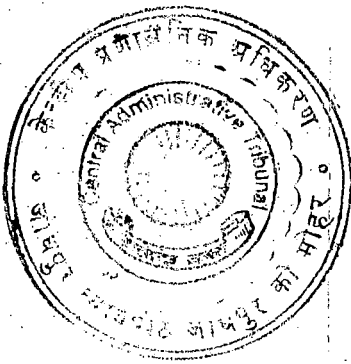
-S. Elangovan Vs. UOI & Ors., of a co-ordinate Bench of



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-2-

this Tribunal at Bangalore and the contentions of the applicant are exactly similar. Shri Kuldeep Mathur, appearing for the respondents submitted that contentions of the respondents in this case, are also exactly similar to OA No. 281/2009, therefore, the rationale of that decision, squarely applicable in this matter and for proper elucidation, the order is quoted herewith :



"The short question that arises in this matter is the applicant had passed out M.Sc. (Physics) from Annamalai University which is a statutory University as recognized by the Statutory forum of the land and vide Annexure-A/9 University Grants Commission (UGC) has approved the status of statutory University. The UGC has specified the degrees concerned recognized by statutory councils. It also stated that the Distance Education Council has approved all the degree programmes / courses offered through distance education by the university and that it is a regulatory body. Annexure A/8 is a recognition policy of the Distance Education Council by which regular recognition has been granted till 14.2.2012 to Annamalai University and apparently post-facto recognition from 1995 onwards. The applicant's name also appears in the final eligibility list of Assistant Engineers working in All India Radio and Doordarshan which has been enclosed to the O.A. Apparently, by Annexure-R/1, the AICTE had not approved the distance education programme in M.Sc. (Physics) of Annamalai University. According to the All India Council of Technical Education, M.Sc.(Physics) is not a technical education. It comes under the regular course of any statutory university. Going by Annexure - R/2 and R/3 also, the claim of the applicant seems to be genuine and valid. The Hon'ble Apex Court in Bharathidasan University & Anr. vs. AICTE & Ors. which is available in the net <http://judis.nic.in> had held that AICTE cannot make any regulation in exercise of its powers u/s 23 of the Act notwithstanding sub-section (1). The crux of the judgment is that for technical education, the regulations of the AICTE has to be followed but for others it is not required. Our attention is drawn to Annexure-B/2 which is a letter written by the AICTE No. E.AICTE/RTI Cell/2007/438 dated 4th October, 2007 by which the AICTE has informed that the degree and diploma obtained through distance education and approved by DEC does not require AICTE approval.

2. Therefore, the impugned order and its consequences which prevented the applicant from being considered in the final eligibility seniority list of Assistant Engineers, is ordered in the applicant's favour. It is further directed that since Annamalai University is a recognized institution of high understanding with post-facto recognition from 1995 and regular recognition from 2007, the degree of M.Sc. (Physics) secured by the applicant from the

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university is sufficient itself for being considered for the benefit the applicant is seeking and, therefore, the impugned order dated 27.4.2009 passed by the Deputy Director, O/o Director General, All India Radio, New Delhi, is hereby quashed so far as the relief claimed by the applicant is concerned. The respondents are directed to consider the applicant as eligible for subsequent consequences following its quashing."

3- In consequent thereof, the O.A. is allowed. The respondents are directed to consider the applicant as eligible to be included in the Modified List dated 27th April, 2009 with all appropriate consequences flowing from it on equivalent basis to the applicant in OA No. 281/2009.



4- The OA is Allowed as stated above. No costs.


(V.K. Kapoor)
Admv. Member


(Dr. K.B. Suresh)
Judl. Member

दिनांक 17/12/88 आदेशानुसार
मेरी उपस्थिति दिनांक 11/12/88
को ध्यान में रखकर ।

अ. वि. अधिकारी
केन्द्रीय न्यायिक अधिकरण
जोधपुर न्यायिक क्षेत्र, जोधपुर