

**Central Administrative Tribunal  
Principal Bench**

**O.A. No.3077/2017**

New Delhi, this the 20<sup>th</sup> day of December, 2017

**Hon'ble Mr. Justice Permod Kohli, Chairman  
Hon'ble Mr. K.N. Shrivastava, Member (A)**

1. Suresh Kumar Gupta, AE (E&M),  
Group 'B', Aged about 57 years,  
S/o. Sh. R. N. Gupta,  
R/o. II-A-35, Nehru Nagar,  
Ghaziabad, U.P.
2. J. C. Marg, AE (E & M),  
Group 'B', Aged about 52 years,  
S/o. Late Sh. K. L. Garg,  
R/o. House No. 29, Pocket A-5,  
Sector-16, Rohini, New Delhi.
3. Inder Pal Singh, AE (E & M),  
Group 'B', Aged about 56 years,  
S/o. Sh. Hira Singh,  
R/o. 232 A, Shastri Nagar, C-Block,  
Ghaziabad, U.P.
4. Gajraj Yadav, AE (E & M),  
Group 'B', Aged about 57 years,  
S/o. Sh. Kamta Prasad,  
R/o. 17/B-3, Sector-17,  
Rohini, Delhi.
5. Ashok Kumar, AE (E & M),  
Group 'B', Aged about 50 years,  
S/o. Sh. Ram Gopal Sharma,  
R/o. 152, Vasundhara Apartment,  
Sector-9, Rohini, Delhi.
6. Kripa Shankar Rai, AE (E & M),  
Group 'B', Aged about 51 years,  
S/o. Late Sh. Mangroo Rai,  
R/o. Pkt-A, 37-C, Dilshad Garden,  
Delhi-110 095.
7. Rajesh Kumar Rai, AE (E & M),  
Group 'B', Aged about 54 years,  
S/o. Sh. B. B. Rai,  
R/o. A-98, 2<sup>nd</sup> Floor, Madhuban, Preet Vihar,

Delhi-110 092.

8. Shashi Kant Rai, AE (E & M),  
Group 'B', Aged about 54 years,  
S/o. Sh. K. N. Rai,  
R/o. Pkt-B, 87-B, Dilshad Garden,  
Delhi-110 095. ...Applicants

(By Advocate : Shri M.K. Bhardwaj)

Versus

1. Delhi Jal Board,  
Through its Chief Executive Officer,  
Delhi Jal Board, Varunalaya Building – II,  
Jhandewalan, New Delhi.
2. The Member (Administration),  
Delhi Jal Board, Varunalaya Building – II,  
Jhandewalan, New Delhi. ....Respondents

(By Advocate : Shri Rajeev Kumar)

### **ORDER(ORAL)**

#### **Justice Permod Kohli :-**

All the applicants, except applicant No.4, namely, Shri Gajraj Yadav have secured their degrees in engineering from JRN Rajasthan Vidyapeeth University. The validity of degrees obtained from this university was subject matter of consideration before the Hon'ble Supreme Court. Vide judgment dated 03.11.2017 passed in bunch of petitions in Civil Appeal Nos. 17869-17870/2017 and other connected cases, the Hon'ble Supreme Court on consideration of the entire controversy issued following directions:-

“53. Accordingly we direct:

I 1994 AICTE Regulations, do apply to Deemed to be Universities and the Deemed to be Universities in the present matter were not

justified in introducing any new courses in Technical Education without the approval of AICTE.

II Insofar as candidates enrolled during the Academic Sessions 2001-2005, in the present case the ex post facto approvals granted by UGC and their concerned authorities are set aside.

III Consequent to aforesaid direction No.II, all the degrees in Engineering awarded by concerned Deemed to be Universities stand suspended.

(2016) 7 SCC 353 – Paras 86 to 92, 108 to 111 (2016) 6 SCC 335  
IV The AICTE shall devise the modalities to conduct an appropriate test/tests as indicated in Para 47 above. The option be given to the concerned students whose degrees stand suspended by 15.01.2018 to appear at the test/tests to be conducted in accordance with the directions in Para 47 above. Students be given not more than two chances to clear test/tests and if they do not successfully clear the test/tests within the stipulated time, their degrees shall stand cancelled and all the advantages shall stand withdrawn as stated in Paras 46 and 47 above. The entire expenditure for conducting the test/tests shall be recovered from the concerned Deemed to be Universities by 31.03.2018.

V 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 47.  
VI If the students clear the test/tests within the stipulated time, all the advantages/benefits shall be restored to them and their degrees will stand revived fully.

VII As regards students who were admitted after the Academic Sessions 2001-2005, their degrees in Engineering awarded by the concerned Deemed to be Universities through distance education mode stand recalled and be treated as cancelled. All benefits secured by such candidates shall stand withdrawn as indicated in Para 48 above. However, the entire amount paid by such students to the concerned Deemed to be Universities towards tuition fees and other expenditure shall be returned by the concerned Deemed to be Universities by 31.05.2018, as indicated in Para 48. VIII By 31.05.2018 all the concerned Deemed to be Universities shall refund the sums indicated above in VII and an appropriate affidavit to that extent shall be filed with UGC within a week thereafter.

IX We direct the CBI to carry out thorough investigation into the conduct of the concerned officials who dealt with the matters and went about the granting permissions against the policy statement, as indicated in Para 49 above and into the conduct of institutions who abused their position to advance their commercial interest illegally. Appropriate steps can thereafter be taken after culmination of such investigation.

X The UGC shall also consider whether the Deemed to be University status enjoyed by JRN, AAI, IASE and VMRF calls for any withdrawal and conduct an inquiry in that behalf by 30.06.2018 as indicated above. If the moneys, as directed above are not

refunded to the concerned students that factor shall be taken into account while conducting such exercise.

XI We restrain all Deemed to be Universities to carry on any courses in distance education mode from the Academic Session 2018- 2019 onwards unless and until it is permissible to conduct such courses in distance education mode and specific permissions are granted by the concerned statutory/regulatory authorities in respect of each of those courses and unless the off-campus Centres/Study Centres are individually inspected and found adequate by the concerned Statutory Authorities. The approvals have to be course specific.

XII The UGC is further directed to take appropriate steps and implement Section 23 of the UGC Act and restrain Deemed to be Universities from using the word 'University' within one month from today.

XIII The Union of India may constitute a three members Committee comprising of eminent persons who have held high positions in the field of education, investigation, administration or law at national level within one month. The Committee may examine the issues indicated above and suggest a road map for strengthening and setting up of oversight and regulatory mechanism in the relevant field of higher education and allied issues within six months. The Committee may also suggest oversight mechanism to regulate the Deemed to be Universities. The Union of India may examine the said report and take such action as may be considered appropriate within one month thereafter and file an affidavit in this Court of the action taken on or before August 31, 2018. The matter shall be placed for consideration of this aspect on 11.09.2018."

2. The claim of the applicants, except applicant No.4, is thus duly covered by the aforesaid judgment issued by the Hon'ble Supreme Court to this extent this OA *qua* these applicants is disposed of in terms of the judgment of the Apex court.

3. Insofar as applicant No.4 is concerned, Shri M.K. Bhardwaj, learned counsel for the applicants submits that he obtained the degree from Institute of Mechanical Engineers(India, Mumbai which has been recognized by the Ministry of Human Resource and Development, Department of

Higher Education vide notification dated 24.11.2006. Copy of this notification has been placed on record.

4. In this view of the matter, we direct the respondents to examine the claim of applicant No.4 regarding the validity/recognition of degree obtained by him from IME, Mumbai, in the light of the aforesaid notification and pass appropriate orders within a period of two months from the date of receipt of a copy of this order. With these observations this OA stands disposed of.

**(K.N. Shrivastava)**  
**Member(A)**

**(Justice Permod Kohli)**  
**Chairman**

/vb/