

**CENTRAL ADMINISTRATIVE TRIBUNAL
MADRAS BENCH**

RA/310/0019/2019 in OA/310/00925/2015

Dated the 27th day of August Two Thousand Nineteen

P R E S E N T

Hon'ble Mr.P.Madhavan, Member(J)
&
Hon'ble Mr.T.Jacob, Member(A)

1. A.Syed Aboubaker
S/o Abdul Kadar,
Wireman,
Electricity Department,
Puducherry.
2. A.Rajavel,
S/o Arumugam,
Wireman,
Electricity Department,
Puducherry.
3. D.Elangovan,
S/o Dhandapani,
Wireman,
Electricity Department,
Puducherry.
4. S.Mourougane,
S/o Singaravelu,
Commercial Assistant,
Electricity Department,
Puducherry.
5. M.Ravichandiran,
S/o Mani,
Wireman,
Electricity Department,
Puducherry.
6. K.Dayalan,
S/o Kannan,
Wireman,

Electricity Department,
Puducherry.

By Advocate **M/s.V.Ajayakumar**

.. Applicants/Applicants

Vs.

1. Union of India, rep by the
Government of Puducherry through
the Secretary to Govt. for Power,
Chief Secretariat, Puducherry.
2. Superintending Engineer-I,
Electricity Department,
Puducherry.
3. Secretary to Govt. for Ministry of
Human Resources Development,
Department of Higher Education,
New Delhi.

.. Respondent/Respondent

ORDER (RA By Circulation)
(Pronounced by Hon'ble Mr.P.Madhavan, Member(J))

The applicants in OA 925/2015 have filed this RA 19/2019 seeking review of the order passed by this Tribunal in the above said OA dated 25.4.2019.

2. The above OA was filed by the applicants in RA claiming that the Diploma granted by AICTE, a deemed University, as qualification sufficient for the post of Tester in the respondents department. This Tribunal had dismissed the said OA holding that the Diploma without having recognition of AICTE is not valid. The applicants in this case had again filed this RA stating that the applicants could not bring out some records and latest decision on the issue before the Tribunal effectively and the Tribunal has dismissed the OA. According to the RA applicants, this Tribunal may be pleased to reconsider the above order considering the following facts:-

“According to the RA applicants, they had obtained the Diploma through Distance/correspondence course with a duration of 2 years but they could not bring the prospectus issued by the Deemed to be University where they studied. According to them, the Diploma which they have taken is 3 years duration as it is a lateral entry course. This was not brought to the notice of the Tribunal by the counsel. According to them, DEC has recognised the Diploma Course through Distance mode of the IASE and Minutes of the Joint Committee Meeting clearly shows that DEC has approved the IASE as a University and in the Joint Committee meeting held on 07.8.97 the DEC has approved the course. There is an apparent error in the

Recruitment Rules for the post of Tester as the qualification obtained by the applicants has to be considered as Degree and not a Diploma. The Degree was obtained from a Deemed University and the certificate obtained from the IASE is equivalent to the Degree mentioned in the Recruitment Rules. The Tribunal has not looked into the order of the Hon'ble Supreme Court in MA No.1795 & 1796 of 2017 where it had categorically stated that Orissa Lift Irrigation Coporation Ltd. case is only applicable to Degree awarded by a Deemed University and Diploma is not covered”.

3. We have anxiously perused the pleadings and carefully gone through the orders passed by this Tribunal in OA 925/15 dated 25.4.19. We have perused the various documents submitted by the applicants and had come to the conclusion that the Degree/Diploma issued by IASE was not approved by AICTE and it is absolutely necessary for technical education. Earlier a similar matter came up before this Tribunal as OA 772/09 and the same was dismissed on the same ground and the applicants therein had filed a WP before the Hon'ble High Court of Madras and the High Court had clearly held that the Degree or Diploma in Engineering subjects cannot be obtained through Distance Education Mode and it is not equivalent to the Diploma issued in a regular course and it cannot be considered as a qualifying Degree for promotion. The Institute of IASE, Rajasthan has no approval of AICTE and their qualification cannot be considered as valid as it lacks the approval of AICTE. There is no merit in the contention put forward in the RA and no new material is

forthcoming to show that this has caused miscarriage of justice. There is no apparent error on the face of record as stated and there is no new fact produced by the applicants. Hence the RA lacks merits and it is liable to be dismissed.

4. Accordingly, RA 19/2019 is dismissed.

(T.Jacob)
Member(A)

27.08.2019

(P.Madhavan)
Member(J)

/G/