



CENTRAL ADMINISTRATIVE TRIBUNAL  
CALCUTTA BENCH  
KOLKATA

OA. 350/01857/2015

Date of Order: 18.04.2016.

Present : Hon'ble Ms. Bidisha Banerjee, Judicial Member

Tusar Kanti Mondal  
Vs.  
C.P.W.D.

For the Applicant : Mr. K. Sarkar, Counsel

For the Respondents : Mr. P. Sharma, Counsel

ORDER (Oral)

This matter is taken up in Single Bench in terms of Appendix VIII of Rule 154 of CAI Rules of Practice, as no complicated question of law is involved, and with the consent of both the parties.

2. Heard both.

3. It is submitted by the learned counsel for applicant that the applicant has sought for consideration to include the degree of B. Tech (Civil) obtained by Distant mode of education namely, JRN, Rajasthan Vidyapeeth University, Udaipur as degree obtained from a deemed University. The respondents have rejected the prayer on 26.09.2011 on the ground that the degree obtained was not recognized by AICTE.

4. Learned counsel for applicant invited my attention to the Gazette Notification of Education Deptt. dated 25.07.2015 as contained in Annexure A-9 of the OA, which reads as under:

*"Now, therefore, the Central Government hereby notifies that all the degrees/diplomas/certificates including technical education degrees/diplomas awarded through Open and Distance Learning mode of education by the Universities established by an Act of Parliament or State Legislature, Institutions Deemed to be Universities under Section 3 of the University Grants Commission Act, 1956 and Institutions of National Importance declared under an Act of Parliament stand automatically recognized for the purpose of employment to posts and services under the Central Government, provided they have been approved by the University Grants Commission."*

5. Learned counsel for applicant further submitted that he would be satisfied if a direction is given to the respondents to consider the matter in terms of the decision rendered by the Principal Bench of C. A. T. in OA.4232/2015 on the same issue i.e. whether the applicant who obtained from Distant mode of Education through JRN, Rajasthan Vidyapeeth University, Udaipur could be considered for promotion for the post of Assistant Engineer on the basis of the degree and Principal Bench had allowed the OA.

6. Learned counsel for applicant also invited my attention to an OM dated 05.04.2016 issued by Director, CPWD, No. 29/13/2014/EC-III in regard to "Entry of Engineering Degree Qualification in the Seniority list of AEs (Electrical)", specifying that the B. Tech Degree from JRN, Rajasthan Vidyapeeth University, Udaipur would be considered as Degree in Engineering from the date of issue of this Office Memorandum without any retrospective benefit.

7. In view of the facts enumerated hereinabove, the OA is disposed of with a direction upon the respondents authorities particularly respondent no. 3 or any other competent authority to consider the prayer of the applicant in the light of the decision <sup>supra</sup> rendered ~~hereinabove~~ and to pass an appropriate reasoned and speaking order within a period of 2 months from the date of communication of this order.

8. In case nothing stands in the way, respondents shall grant the benefits as the applicant would be entitled to as per law, within one month thereafter.

9. It is made clear that I have not expressed any opinion on merits of this matter. All points are kept open for consideration by the respondents.

10. OA is accordingly disposed of. No costs.

(Bidisha Banerjee)  
Member (J)