



2025:CGHC:5694

NAFR

## HIGH COURT OF CHHATTISGARH AT BILASPUR

### WPS No. 4400 of 2020

- 1** - Abhishek Meshram S/o Late N.R. Meshram, Aged About 45 Years Sub Engineer Pwd, R/o House No. Rose - 13, Talpuri International Colony, Bhilai, District Durg Chhattisgarh., District : Durg, Chhattisgarh
  - 2** - Smt. Premaurag Chandrakar W/o Mukesh Chandrakar, Aged About 41 Years Sub Engineer Pwd, R/o G-15, Pwd Colony, Katora Talab, Raipur, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
  - 3** - Vivek Keshwani S/o R. K. Keshwani, Aged About 56 Years Sub Engineer Pwd, R/o G-15, Avanti Vihar, Raipur, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
  - 4** - Satyaprakash Pathak S/o Mangal Prasad Pathak, Aged About 61 Years Sub Engineer Water Resources Department, R/o House No. 116, Subhash Nagar, Durg, District Durg Chhattisgarh., District : Durg, Chhattisgarh
- ... Petitioner(s)**

### **versus**

- 1** - State Of Chhattisgarh, Through - Secretary, Public Works Department, Mahanadi Bhavan, Mantralaya, Atal Nagar, Naya Raipur District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
- 2** - Technical Education Department, Through The Secretary, Mahanadi Bhavan, Mantralaya, Atal Nagar, Naya Raipur, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
- 3** - All India Institute Of Technical Education, Through Its Director, 7th Floor, Chandra Lok Building, Janpath, New Delhi - 110001., District : New Delhi, Delhi
- 4** - University Grant Commission, Through Its Secretary, Bahadur Shah Zafar Marg, New Delhi - 110001, District : New Delhi, Delhi
- 5** - Indira Gandhi National Open University, Through Its Secretary, Regional

Office At Housing Board Colony, Sector - 1, Shankar Nagar, Raipur, District  
Raipur Chhattisgarh., District : Raipur, Chhattisgarh

---- Respondent(s)

(Cause title taken from Case Information System)

For Petitioner(s)	: Mr. Ajay Thakre, Advocate
For Respondent(s)/State	: Mr. Atanu Ghosh, Dy. Govt. Advocate
For Respondent No. 4	: Mr. Jitendra Nath Nande, Advocate
For Respondent No. 5	: Mr. Devendra Patel, Advocate on behalf of Mr. Harshwardhan, Agrawal, Advocate

**Hon'ble Shri Justice Ravindra Kumar Agrawal**  
**Order on Board**

**30/01/2025**

- The petitioners have filed the present writ petition for a direction to the respondent authorities to include their higher qualifications in their service records and to place their names in the gradation list accordingly. They prayed the following reliefs in the writ petition:-

**“10.1) That, the Hon'ble court may kind enough to issue an appropriate writ by quashing the memo dated 13.07.2020 (Annexure P/4).**

**10.2) That, the Hon'ble Court may kindly be pleased to direct the respondent no.1 to include the higher qualification obtained by the petitioner in their service record and place their name in gradation accordingly.**

**10.3) That, the Hon'ble Court may kindly be pleased to direct the respondent no.1 to gives all consequential service benefits as per the prevailing rules from their date of entitlement for the same.**

**10.4) Any other relief or relief(s) which this Hon'ble Court may think proper in view of the facts and circumstances of the case may also kindly be granted."**

2. Brief facts of the case are that the petitioners are Diploma in Civil Engineering holders and employed as Sub-Engineers in the Public Works Department (in short "PWD") of the State of Chhattisgarh. After obtaining permission from the department, they acquired a higher qualification of B.Tech. through the distance mode of education from Indira Gandhi National Open University (in short "IGNOU"). According to the department's applicable rules, the higher qualification of the employee should be included in their service records, and they should be eligible for benefits accordingly, as per the state's policy. After obtaining the higher qualification, the petitioners made their representation before the respondent authorities for the inclusion of their names in the gradation list as per their higher qualification, but the authorities have denied the same by assigning reasons that the technical education through distance learning has to be recognized by the Respondent No. 3, All India Institute of Technical Education (in short "AICTE"). Earlier, the petitioners had filed a W.P.S. No. 1202/2015 before this court, which was disposed of on 08-04-2015 with the direction to consider the petitioner's representation for inclusion of acquired qualifications of B.Tech. degree obtained from IGNOU. The said representation was rejected by the respondent authorities by saying that the said B.Tech. degree obtained through distance learning is not recognized by the Respondent No. 3.

Thereafter, the petitioners have filed another W.P.S. No. 3983/2016 for quashing of the order dated 25-08-2015 and to grant recognition of their B.Tech. degree obtained from distance learning. The W.P.S. No. 3983/2016 is disposed of in similar terms to W.P.S. No. 4063/2016, which was filed by another similarly situated employee, and the State Government was directed to consider the claim of the petitioner. After the passing of the order in writ petition, the petitioners again moved their representation before the authorities, but the same remain unanswered. The petitioners have also approached higher authorities, but their representation is again rejected in light of the earlier rejection. Hence, this petition.

3. learned counsel for the petitioner would submit that after obtaining permission from the department, the petitioners have obtained the degree of B.Tech. from IGNOU through the distance learning mode. If the said course was not recognized, the department can refuse to grant permission to obtain the higher qualification from IGNOU. The IGNOU is a University established under an Act of Parliament and a deemed University as provided under Section 3 of the UGC Act, 1956. After orders of the Hon'ble Supreme Court, the AICTE recognized the B.Tech. degree obtained from IGNOU through distance learning, subject to their enrollment up to 2011-12. All the petitioners have enrolled before 2011 and therefore, their degrees are recognized. There are directions in the order dated 08-04-2015 passed in W.P.S. No. 1202/2015, order dated 26-08-2016 passed in W.P.S. No. 4063/2016 and order dated 18-01-2017 passed in W.P.S. No.

3983/2016, to the respondent authorities to consider the petitioner's application for inclusion of acquisition of their qualification of B.Tech. degree obtained from IGNOU. He would further submit that vide memo dated 25-11-2020 (Annexure R-2/1), the AICTE has also recognized the B.Tech. degree obtained from IGNOU through distance learning mode for the students who have enrolled up to 2011-12, as per the judgment of Hon'ble Supreme Court. All the petitioners have enrolled prior to 2011-12 with the IGNOU and therefore, their B.Tech. degree obtained from IGNOU through distance learning mode is recognized and the department is bound to give benefit of the additional qualification obtained by the petitioners. Despite repeated round of litigation, the authorities have denied the benefit to the petitioners and therefore, they may be directed to give benefit of additional qualification of B.Tech. degree by inclusion in the records and gradation list.

4. The Respondent/State filed their return with the pleadings and submits that, though the petitioners have obtained their B.Tech. degree through distance learning from IGNOU, but their degree should be recognized by the AICTE. In the writ petitions filed by the petitioners, it was directed that the state government shall consider the case of the petitioners after verification of the status of the degree of the employees at the Central Level as well as the AICTE Level. The AICTE has issued a circular on 25-11-2020 regarding recognition of the Diploma/B.Tech. degree obtained through distance learning mode from the IGNOU up to the academic session of 2011-12, and it was

clarified that AICTE has no objection to the B.Tech. degree awarded by the IGNOU to the students who were enrolled up to the academic year 2011-12. In the meantime, a judgment has been passed by Hon'ble Apex Court holding that the University had been set up under a state statute; it is enough that AICTE norms should be followed while granting the B.Tech. degree/diploma. In the present case, the petitioners have obtained a higher qualification from IGNOU through distance learning mode, which is not recognized by the AICTE; therefore, the respondent/department could not recognize said degree and could not consider their qualification for the purposes of promotion accordingly.

5. The Respondent No. 3/AICTE has filed its reply and submits that the main grievance of the petitioner is against the Respondents No. 1 and 2/State. The petitioners did their B.Tech. course from the IGNOU through distance learning mode, but the same was not recognized by the AICTE. Certain orders have been passed by this Court in various writ petitions, and the answering respondent is bound to obey the orders. There is notification dated 11-12-2018 and 25-11-2020, and a circular dated 13-02-2019, which provided that the AICTE has no objection for B.Tech. degree/diploma in Engineering awarded by IGNOU to the students who were enrolled up to the academic year 2011-12 as per the Hon'ble Supreme Court judgement. The authority has the jurisdiction to take a decision to grant of benefit to the employees who have obtained a degree through the distance learning mode.

6. The Respondent No. 5/IGNOU has also filed their return and submitted that IGNOU has branches all over India and imparts education through the distance learning mode, including the degree/diploma in Engineering and Technology. The Hon'ble Supreme Court has passed an order on 30-07-2018 in W.P.C. No. 382/2018 (Mukul Kumar Sharma v. AICTE, with respect to all such degrees/diplomas of Engineering and Technology. There is no grievance against Respondent No. 5, and the relief as claimed by the petitioners is to be granted by the State Government.
7. I have heard learned counsel for the parties and perused the documents annexed by the parties in the petition.
8. It is not in dispute that the petitioners have completed their B.Tech. course from the IGNOU through the distance mode of learning, after obtaining permission from their department. The petitioners had enrolled with IGNOU prior to the 2011-12 academic year. IGNOU is a deemed University established under the Act of Parliament as provided under Section 3 of the UGC Act, 1961. The petitioners had filed W.P.(S) No. 1202/201 before this Court, claiming the direction to include their qualification of B.Tech. in their respective service books. The said writ petition was disposed of on 08-04-2015 with the direction to the respondent authorities to consider the petitioners' application for inclusion of the qualification of B.Tech. obtained from IGNOU, in their respective service books, in accordance with the law.
9. When the petitioners have approached the authorities for inclusion of

their higher qualification in their service records, vide order dated 25-08-2015, the same is denied because of the reason that the AICTE does not recognise their qualification, and therefore, the qualification of B.Tech. or B.E. obtained from the distance mode of learning cannot be considered as a qualification for their service. In the order dated 25-08-2015 (Annexure P-1), issued by the State Government, the authorities have rejected the representations of the petitioner saying that:-

“इस संबंध में यह उल्लेख किया जाता है कि मुख्य सचिव की अध्यक्षता में दिनांक 07-08-2013 में यह निर्णय लिया गया था कि मुक्त एवं दूरस्थ शिक्षा प्रणाली (पत्राचार) के माध्यम से पूर्ण किये गये पाठ्यक्रमों की मान्यता **AICTE** द्वारा नहीं दी गई है। अतः दूरस्थ शिक्षा प्रणाली (पत्राचार) के माध्यम से प्राप्त की गई बी.टेक. अथवा बी.ई. की डिग्रियों को विभाग की सेवाओं में भर्ती तथा पदोन्नति के लिये मान्य नहीं किया जा सकता है।”

10. The similar issue came up before this Court in W.P.S. No. 4063/2016, which was decided on 26-08-2016 with the following observations:-

“2. In W.P.(S) No. 158/2010, after notices were issued by this Court, the All India Council filed return. In the reply, it was stated that the degree and diploma obtained under the distance education programme, do not require approval and therefore, the AICTE has no role to play for granting recognition to such degrees/diplomas in the professional courses. It appears that the State Government had decided not to recognise petitioner's degree on the ground that



though it requires approval by AICTE, it has actually not been approved by AICTE. However, from the return of AICTE filed in W.P.(S) No. 158/2000, it appears that the AICTE, in such cases, does not grant approval but there is some other mechanism under which such courses are recognised and approved. Therefore, in these circumstances, the State Government should now consider petitioner's degree by taking into consideration relevant aspects including the mechanism provided in cases relating to degree under distance education programme.

3. The consideration regarding approval and recognition of petitioner's degree should be completed by the respondents within an outer limit of six weeks from the date of receipt of copy of this order, so that in the event of recognition granted by the State Government, the petitioner may also get benefit of promotion as Graduate Engineers."

11. The petitioners have filed another writ petition bearing W.P.S. No. 3983/2016 before this Court, challenging the order dated 25-08-2015 (Annexure P-1). The said writ petition was also disposed of in similar terms of the order dated 26-08-2016 passed in W.P.S. No. 4063/2016, by observing in para 7 of its order that :-

"7. Thus, this Court is of the opinion that the present petition also deserves to be disposed of in similar terms to that of Writ Petition (S) No. 4063 of 2016, decided on 26.8.2016. It is directed that the State Government shall consider the case of the Petitioners

for their inclusion in the Gradation List of the Graduates Sub-Engineers after making necessary verification from the competent authority both at the Central level as well as at AICTE level in respect of the status of those persons who have obtained degree under the Distance Education Programme and thereafter an appropriate order in this regard shall be passed preferably within a period of 90 days from today.”

12. On 30-07-2018, the Hon’ble Supreme Court passed an order in W.P. (C) No. 382/2018 that:-

“In a similar case decided on 10.04.2018, namely, Jawaharlal Nehru Technological University VS. The Chairman and Managing Director, Transmission Corporation of Telangana Ltd. & Ors. (Civil Appeal Nos 3697-3698/2018), we had made it clear that given the fact that appellant-University in that case had been set up by a State Statute, it is enough that AICTE norms should be followed while granting the B.Tech Degree/Diploma.

We follow this order and state that even in the present case, AICTE norms will be adhered to strictly by the institution in question but that AICTE approval for the said course is not necessary.”

13. Further, on 11-03-2018, the Hon’ble Supreme Court passed another order in W.P. (C) No. 382/2018 that the candidates admitted up to 2009-10 for the degrees/diplomas by the IGNOU will be considered to

be valid in law. The order dated 11-03-2019 passed in W.P.(C) No. 382/2019 by the Hon'ble Supreme Court is reproduced as below:-

**“Following our earlier orders, in particular, the order of 20.04.2010, we direct that the norms of AICTE must be followed in future. However, the degrees and diplomas in question that are granted and candidates admitted up to the academic year 2009-10 are left undisturbed. Consequently, the degrees and diplomas granted by the IGNOU to them will be considered to be valid in law.”**

14. After the order dated 30-07-2018, the AICTE has issued a memo dated 11-12-2018 with respect to the recognition of B.Tech. degree/diploma programme of IGNOU of the students who are enrolled after 2009-10. The relevant part of the memo dated 11-12-2018 issued by the AICTE is as under:-

**“We would like to inform you that AICTE Executive Committee in its meeting held on 11.10.2018 discussed that matter regarding recognition to B.Tech degree/diploma [Open and Distance Learning Mode) awarded by IGNOU, It is informed that AICTE honours the judgment of the Hon'ble Supreme Court in the case W.P. (C) No. 382 of 2018: Mukul Kumar Sharma & others Vs AICTE and others dated 30.07.2018 and has no objection for B.Tech, degree/diploma in Engineering awarded by IGNOU to the students who were enrolled upto academic year 2009-10 to be treated as valid as a special case and it could not be**

taken as a precedence, it is also suggested that IGNOU should not run or start such technical programme(s) in distance education mode which have extensive laboratory component and keeping in view the directions issued by MHRD vide its letter dated 29.08.2009 wherein DEC IGNOU was directed to discontinue all technical degree programme being offered through ODL Mode and accordingly IGNOU stopped offering these programs.”

15. In another order dated 18-09-2020, passed in W.P. (C) No. 1341/2019, the Hon'ble Supreme Court has said that:-

“In the present case, the petitioners before us are diploma holders in what is called the Vertically Integrated Engineering Programme, which is one of the two distance education courses conducted by IGNOU. We had, vide order dated 11.03.2019, stated that degrees and diplomas of IGNOU in such distance education courses up to the years 2009-10 be left undisturbed. We grant the same relief to the petitioners who will be covered in the years 2010-11 and 2011-12.

We make it clear that since there is no distance education courses in IGNOU after these years and these are the last batches who will be granted the reliefs that were granted by our order dated 11.03.2019, as a one-time measure therefore, these batches will also be granted this relief. We allow this writ petition with no order as to costs.”

16. On 25-11-2020, the AICTE issued a circular with respect to recognition/validity of Diploma/B.Tech. degree obtained through distance learning mode awarded by IGNOU to the candidates who were enrolled up to Academic Session 2011-12. The relevant part of the circular dated 25-11-2020 is necessary to reproduce here which reads as under:-

**“AICTE Executive Committee in its meeting held on 11.10.2018 discussed the matter regarding recognition to B.Tech. Degree/ Diploma (ODL mode) awarded by IGNOU and decided that AICTE shall honour the judgement dated 30.07.2018 of the Hon'ble Supreme Court taken in case W.P. (C) No. 382 of 2018; Mukul Kumar Sharma & others Vs AICTE and others. AICTE has no objection for B.Tech. Degree/Diploma in Engineering awarded by IGNOU to the students who were enrolled with IGNOU upto the academic year 2009-10 which are to be treated valid as a special case and it could not be taken as precedence. A circular was issued accordingly on 13.02.2019.**

**It is further informed that Hon'ble Supreme Court in its Judgement dated 19.00.2020 relating to W.P.(C) No. 1341 of 2019; MD Naseem Baig & others Vs AICTE has extended the same relief to petitioners who will be covered in the years 2010-11 and 2011-12 and opined that since there is no distance education courses in IGNOU after these years and these are the last batches who will be granted the reliefs. AICTE has no objection for B.Tech Degree/Diploma in Engineering awarded by**

**IGNOU to the students who were enrolled upto academic year 2011-12 with IGNOU as per Supreme Court Judgement and hence are treated as valid as a special case but cannot be taken as precedence and not for post 2012”**

17. From the aforesaid facts and decisions of the Hon’ble Supreme Court, it is amply clear that the AICTE is recognising the degrees/diplomas of B.Tech. obtained from IGNOU through distance learning mode with respect to the students who were enrolled before the academic session of 2011-12.
18. In the present case, the petitioners have enrolled with the IGNOU for the B.Tech. degree course through distance learning mode, much prior to 2011-12. As per the information submitted by the IGNOU on 20-01-2025, the petitioners have taken admission between 2004 to 2007. The details of the programme, their enrollment numbers and year of registration are given below:-

Sl. No.	Name of Student	Programme	Enrollment No.	Year of Admission
1	Prakash Pathak	BTWRE	042983866	2004
2	Abhishekh Meshram	BTCM	071188868	2007
3	Vivek Keswani	BTCM	071189512	2007
4	Premanurag Chandrakar	BTCM	061294688	2006

19. In the given facts of the case, from the circular dated 25-11-2020 (Annexure R-2/1) issued by the AICTE, the degree/diploma of B.Tech. obtained from the IGNOU through the distance learning mode is recognized with respect to those students who have been enrolled

before the academic session of 2011-12. From the information dated 17-01-2025 submitted by the IGNOU, it reveals that the petitioners have already enrolled much before 2011-12, i.e. in between 2004 to 2007. Various orders passed by the Hon'ble Supreme Court also validate the B.Tech. degree of the petitioners, which are obtained from IGNOU through the distance learning mode before 2011-12. The respondent authorities have rejected the representation of the petitioner on the ground that the B.Tech. degree of the petitioners is not recognized by the AICTE, whereas the circular dated 25-11-2020 issued by the AICTE recognizes the B.Tech. degree obtained from IGNOU through distance learning before the academic session 2011-12, which is issued in view of the order dated 19-09-2020, passed by the Hon'ble Supreme Court, in W.P.(C) No. 1341/2019 (MD Naseem Baig & Ors. v. AICTE) and order dated 30-07-2018 passed in W.P.(C) No. 382/2018 (Mukul Kumar Sharma & Ors. v. AICTE & Ors.). Therefore, this court does not find any impediment to include the higher qualification of B.Tech. degree obtained from IGNOU through the distance mode of learning, of the petitioners in their service records, subject to other rules and circulars of the State Government and applicable service law.

20. Accordingly, under the facts and circumstances of the present case, the writ petition is **allowed**. The impugned memo dated 13-07-2020 (Annexure P-4) is hereby quashed. The Respondent No. 1 is directed to include the higher qualification of the B.Tech. degree obtained from IGNOU, of the petitioners in their service records. The petitioners are

entitled for the consequential benefits pursuant to the inclusion of their B.Tech. degree in their service records. It is expected that needful be done by the Respondent No. 1 within 04 months from the date of receipt of a copy of this order, if, there is no other impediment.

21. No order as to cost(s).

**Sd/-**  
**(Ravindra Kumar Agrawal)**  
Judge

ved