

No. 42/158/2016-5GS1

From

The Chief Secretary to Government, Haryana

To

1. All the Administrative Secretaries to Government Haryana
2. All the Heads of Departments, Commissioner, Ambala, Hisar, Gurugram, Rohtak, Karnal and Faridabad Divisions.
3. The Registrar, Punjab and Haryana High Court, Chandigarh
4. All the Deputy Commissioners of the State of Haryana.

Dated Chandigarh, the 15th February, 2018

Subject: Regarding equivalency of Technical Qualification awarded by Deemed University in distance Education Mode for the purpose of recruitment and promotion in Haryana Government.

Sir/Madam,

I am directed to invite your attention towards Government circular letter No. 42/158/2016-5GSI, dated 19.01.2018 whereby directions were issued on the validity of degree/diploma in the field of Engineering Technology awarded by Distance Education Mode in pursuance of Civil Appeals No. 17902-17905 of 2017 of SLP (C) Nos. 35793-35796 of 2012 titled as Vijay Kumar and ors etc Vs. Kartar Singh & ors. The para-3 of the instructions states that "in case of the employees who have obtained degrees/diplomas during the academic sessions 2001 - 2005 and got initial appointments or further promotions on the basis of the degrees obtained through distance education mode, their services or promotions are liable to be suspended immediately. They will be permitted to continue further and all the benefits will be restored to them only if they pass the examination to be conducted by AICTE within stipulated time as per direction of the Hon'ble Apex Court."

The Hon'ble Apex Court on 22.01.2018 has issued clarification in this regard in M.A. Nos. 1795-1796 of 2017 in Civil Appeal Nos. 17869-17870 of 2017 titled as Orissa Lift Irrigation Corporation Ltd. Vs Rabi Sankar Patro & ors. Based on this and held as under:

"We, therefore, as one-time relaxation in favour of those candidates who were enrolled during the academic years 2001-2005 and who, in terms of the judgement, are eligible to appear at the test to be conducted by AICTE, direct:

- (A.) *All such candidates, who wish to appear at the forthcoming test to be conducted by AICTE in May-June 2018 and who exercise option to appear at the test in terms of the judgment, can retain the degrees in question and all the advantages flowing therefrom till one month after the declaration of the result of such test or till 31.07.2018 whichever is earlier.*
- (B.) *This facility is given as one-time exception one-time exemption so that those who have the ability and can pass the test in the first attempt itself, should not be put to inconvenience. If the candidates pass in such first attempt, they would be entitled to retain all the advantages. But if they fail or choose not to appear, the directions in the judgment shall apply, in that the degrees and all advantages shall stand suspended and withdrawn. At the cost of repetition, it is made clear*

that no more such chances or exceptions will be given or made. They will undoubtedly be entitled to appear on the second occasion in terms of the judgment but this exception shall not apply for such second attempt.

(C.) *We direct AICTE to conduct the test in May-June 2018 and declare the result well in time, in terms of our directions in the judgment and this Order. AICTE shall however extend the time to exercise the option to appear at the test suitably."*

4. In the light of order dated 22.01.2018 the matter has been re-considered by the State Government. Accordingly, it has been decided to insert a new para-3 A in the instruction No. 42/158/2016-5GS1 dated 19.1.208 which shall read as follows:

"3.A. An one-time relaxation is granted as follows:

- i. *All such candidates, who wish to appear at the forthcoming test to be conducted by AICTE in May-June 2018 and who exercise option to appear at the test in terms of the judgment, can retain the degrees in question and all the advantages flowing therefrom till one month after the declaration of the result of such test or till 31.07.2018 whichever is earlier.*
- ii. *If the candidates pass in such first attempt, they would be entitled to retain all the advantages. But if they fail or choose not to appear the degrees and all advantages shall stand suspended and withdrawn as per the direction contained in the judgement of the Supreme court dated 22.1.2018."*

This is for immediate compliance by all concerned.

Yours faithfully,



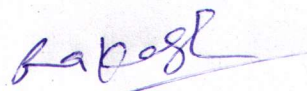
Under Secretary General Administration,
for Chief Secretary to Government Haryana

Endst. No. 42/158/2016-5GS1

Dated Chandigarh, the 15th February, 2018

A copy is forwarded to the following of information and necessary action:-

1. The Registrars of all the Universities in the State of Haryana
2. The Managing Directors/Chief Administrators of all the Boards/Corporations in Haryana State.
3. The Secretary, Haryana Public Service Commission/Haryana Staff Selection Commission.



Under Secretary General Administration,
for Chief Secretary to Government Haryana