

## Kerala High Court

### Athira B. Nair vs The State Of Kerala on 31 May, 2014

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

WEDNESDAY, THE 16TH DAY OF SEPTEMBER 2015/25TH BHADRA, 1937

WP(C).No. 22001 of 2014 (A)

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PETITIONER :

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ATHIRA B. NAIR,  
AGED 23 YEARS, D/O.ARAVINDAKSHAN NAIR,  
THAIPPARAMBU, AMAYIDA  
AMBALAPUZHA P.O., ALAPPUZHA DISTRICT.

BY ADV. SRI.JOSE J. MATHAIKAL

RESPONDENT(S) :

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1. THE STATE OF KERALA  
REPRESENTED BY ITS SECRETARY TO GOVERNMENT  
DEPARTMENT OF TECHNICAL EDUCATION  
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695001.

2. THE DIRECTOR OF TECHNICAL EDUCATION  
DEPARTMENT OF TECHNICAL EDUCATION  
GOVERNMENT SECRETARIAT,  
THIRUVANANTHAPURAM-695001.

3. THE MAHATMA GANDHI UNIVERSITY  
KOTTAYAM, REPRESENTED BY ITS DEPUTY REGISTRAR (ACAD)  
KOTTAYAM-686 001.

4. INDIRA GANDHI INSTITUTE OF ENGINEERING AND  
TECHNOLOGY FOR WOMEN,  
NELLIKUZHY P.O., KOTHAMANGALAM  
ERNAKULAM DISTRICT  
REPRESENTED BY ITS PRINCIPAL-686 001.

R1 & R2 BY SR. GOVT. PLEADER SMT. C.K. SHERIN  
R3 BY ADVS. SRI.VARUGHESE M.EASO, SC  
SRI.VIVEK VARGHESE P.J., SC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION  
ON 16-09-2015, ALONG WITH WP(C). 22937/2014 & WP(C) 26474/2015,  
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

Mn

...2/-

WP(C).No. 22001 of 2014 (A)

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APPENDIX

PETITIONERS' EXHIBITS :

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EXHIBIT P1 : TRUE COPY OF PROSPECTUS FOR ADMISSION TO PG DEGREE  
COURSE IN ENGINEERING FOR THE YEAR 2014 BY SECOND  
RESPONDENT.

EXHIBIT P2 : TRUE COPY OF THE SSL CERTIFICATE OF PETITIONER.

EXHIBIT P3 : TRUE COPY OF HIGHER SECONDARY SCHOOL CERTIFICATE OF  
PETITIONER.

EXHIBIT P4 : TRUE COPY OF PASS CERTIFICATE DT. 20-10-2013 ISSUED BY  
INSTITUTE OF ENGINEERS.

EXHIBIT P5 : TRUE COPY OF GRADE CARD FOR SECTION AAMIE.

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BY THE UNIVERSITY OF KERALA.

EXT. R2 (c)  
10.2.2012

TRUE COPY OF THE LETTER NO. GA IV/E1/347/2010 DATED

OF THE UNIVERSITY OF CALICUT.

//TRUE COPY//

P.S.

TO JUDGE

Mn

A.MUHAMED MUSTAQUE, J.

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W.P. (C) .Nos.22001/2014, 22937/2014 & 26474/2015

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Dated this the 16th Day of September, 2015

J U D G M E N T

These writ petitions are related to a challenge made by the candidates, who have passed Associate Member of Institute of Engineering (AMIE)/AMIETE examinations, questioning the stipulation of minimum 3 years of experience in the field of specialisation after acquiring the qualifying degree, for the purpose of admission to PG Degree course in Engineering.

2. The stipulation as above is contained in a prospectus issued by the Government of Kerala for the purpose of admission to P.G Degree course in Engineering in Government

Engineering Colleges and in Private Self Financing Engineering Colleges.  
W.P.(C).Nos.22001/2014, 22937/2014 & 26474/2015

3. Now, the petitioners confine their challenge to the minimum experience need to be acquired, after qualifying the degree.

4. The All India Council for Technical Education (AICTE) have prescribed norms and requirements for admission to P.G. Degree course in Engineering. The norms prescribed are - Bachelors degree or equivalent in the relevant field; obtained at least 50% (45% in case of candidate belonging to reserved category) at the qualifying Examination. The stipulation in the prospectus issued by the Government of Kerala, Department of Technical Education, Ext.P1 produced in W.P.(C).No.22001/2014, reads as follows:

"Candidates, who have passed AMIE/AMIETE Examinations and satisfying the following conditions, are eligible for admission.

W.P.(C).Nos.22001/2014, 22937/2014 & 26474/2015

1) They must have valid GATE score.

2) A minimum of 55% marks for section B in AMIE/AMIETE examination.

3) Minimum three years of Professional experience in the field of Specialization after acquiring the qualifying degree."

5. The petitioners' case is that the stipulation for AMIE candidates that they must have at least three years of Professional experience in the field of Specialisation after acquiring the qualifying degree is clearly illegal, arbitrary and unsustainable. This Court in W.P. (C).No.22001/2014 has passed a detailed order on 28/08/2014 whereby the respondents were directed to consider the petitioner therein for allotment to the M.Tech programme, provisionally, based on her rank in the entrance examination.

W.P.(C).Nos.22001/2014, 22937/2014 & 26474/2015

6. The question is whether the stipulation as above is sustainable or not. As seen from the counter affidavit, the stipulation as such is prescribed in the prospectus, based on the norms of various Universities. It is admitted now by all that, the stipulation as above

is only for AMIE candidates. There is no dispute to the fact that AMIE degree is equivalent to other Bachelors degree. It appears that the above stipulation has been prescribed for the reason that AMIE candidates did not have sufficient exposure while acquiring the Bachelors degree in the field of specialisation. It is to be noted that AMIE degree holders are treated in par with the other Bachelors degree holders in Engineering. There is no differentiation between the two qualifications for any other consideration. Once AMIE degree is treated in par with the Bachelors degree programme in W.P.(C).Nos.22001/2014, 22937/2014 & 26474/2015 Engineering, it has to be presumed that all such degree holders form one class and there cannot be any differentiation among the same class. The likes are to be treated alike in all circumstances. No doubt, it is open for any Authorities to prescribe any stipulation for admission to Post Graduate programme. AICTE standard can be treated only as a minimum standard. When higher norms are prescribed, it should be made applicable to all equally and there cannot be any discrimination among alike, who are to be categorised as one class i.e. Bachelors Degree in Engineering. In this case, the attempt made by prescribing the stipulation of additional qualification would amount to treating AMIE as a non equivalent to B.Tech programme. If AMIE cannot be treated as equivalent to B.Tech programme that ought to have been considered before W.P.(C).Nos.22001/2014, 22937/2014 & 26474/2015 treating it as equivalent to B.Tech programme. Once AMIE programme is held as equivalent to other B.Tech programme, it is not proper for the respondents to say that the professional degree acquired by AMIE candidates could be treated as equivalent to other Bachelors degree only after acquiring professional experience. In that view of the matter, making the interim orders absolute, the writ petitions are disposed of. No costs.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE ms

**Kerala High Court**

**Athira B. Nair vs The State Of Kerala on 31 May, 2014**

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A.MUHAMED MUSTAQUE, JUDGE ms



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## Kerala High Court

### Tom T.Joseph vs The Director Of Technical ... on 4 December, 2006

IN THE HIGH COURT OF KERALA AT ERNAKULAM

WP(C) No. 6194 of 2006(K)

1. TOM T.JOSEPH, DIRECTOR,  
... Petitioner

Vs

1. THE DIRECTOR OF TECHNICAL EDUCATION,  
... Respondent

2. THE STATE OF KERALA,

3. ALL INDIA COUNCIL FOR TECHNICAL

4. THE PRINCIPAL, GOVERNMENT POLY TECHNIQUE

For Petitioner :SRI.JESWIN P.VARGHESE

For Respondent :SRI.K.P.DANDAPANI

The Hon'ble MR. Justice C.N.RAMACHANDRAN NAIR

Dated :04/12/2006

O R D E R

C.N.RAMACHANDRAN NAIR, J.

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W.P.(C)NO.6194 OF 2006  
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Dated this the 4th day of December 2006

JUDGMENT

Prayer in the writ petition is for a direction to first respondent to approve AMIE as sufficient educational qualification for appointment as lecturer in Poly Technique. Standing Counsel for 3rd respondent submitted that AMIE is sufficient educational qualification for appointment as lecturer in institutions which are running diploma courses and not degree courses. The contention of the petitioner is that since Poly Technique is only diploma course, AMIE is sufficient qualification. In any case, it is for the first respondent to consider petitioner's claim and inform PSC as to whether AMIE is sufficient for including the same as educational qualification for appointment as lecturers.

2. Writ petition is disposed of directing the first respondent to take a decision in the matter and communicate the same to the petitioner and to the PSC within two months from the date of production of a copy of this judgment by the petitioner.

Writ petition is disposed of as above.

C.N.RAMACHANDRAN NAIR, JUDGE jes