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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 945/2013, CM Nos.1792/2013 & 42365/2019**

THE INSTITUTION OF CIVIL ENGINEERS (INDIA).... Petitioner

Through : Mr. Rajat Aneja and Ms. Bhawana  
Pandey, Advs.

versus

UNION OF INDIA AND ANR ..... Respondents

Through : Mr. Gaurav Sarin, Adv. for UOI.  
Mr. Rajesh Gogna, CGSC with  
Ms.Rahella Khan, Adv. for CGSC.  
Mr. Apoorv Kurup and Ms. Nidhi Mittal,  
Advs. for UGC.  
Mr. Anil Soni, Standing Counsel with  
Mr. Devesh Dubey, Adv. for AICTE.

+ **W.P.(C) 3239/2013 & CM APPL. 6125/2013**

THE INSTITUTION OF ELECTRONICS AND  
TELECOMMUNICATION ENGINEERS (IETE) ..... Petitioner

Through : Mr. N.L. Bareja, Adv.

versus

UNION OF INDIA & ORS. .... Respondents

Through : Mr. Kirtiman Singh, CGSC with  
Mr.Waize Ali Noor, Adv. for UOI.  
Mr. Anil Soni, Standing Counsel with  
Mr. Devesh Dubey, Adv. for AICTE.

+ **W.P.(C) 3479/2013, CM Nos.6577/2013 & 13816/2013**

THE INDIAN INSTITUTION OF ENGINEERS (IIE).... Petitioner

Through : Mr. Amit Srivastava, Mr. Subhash  
Budhiraja and Mr. Sharyar Ali, Advs.

versus

MINISTRY OF HUMAN RESOURCE  
DEVELOPMENT (MHRD) & ORS ..... Respondents

Through : Mr. Ruchir Mishra, Mr. Mukesh Tiwari  
and Mr. Sanjiv Kumar Saxena, Advs. for  
UOI.  
Mr. Apoorv Kurup and Ms. Nidhi Mittal,  
Advs. for UGC.

Mr. Anil Soni, Standing Counsel with  
Mr. Devesh Dubey, Adv. for AICTE.

+ **W.P.(C) 3790/2013, CM Nos.7079/2013 & 14052/2019**

THE INSTITUTION OF ENGINEERS (INDIA) ..... Petitioner

Through : Mr. Anand Mishra, Mr. Amrendra Singh  
and Ms. Shivangi Popli, Advs.

versus

UNION OF INDIA & ORS ..... Respondents

Through : Mr. Ripu Daman Bhardwaj, CGSC for  
UOI.

Mr. Apoorv Kurup and Ms. Nidhi Mittal,  
Advs. for UGC.

Mr. Anil Soni, Standing Counsel with  
Mr. Devesh Dubey, Adv. for AICTE.

+ **W.P.(C) 4830/2013 & CM APPL. 10954/2013**

AERONAUTICAL SOCIETY OF INDIA ..... Petitioner

Through : Ms. Sonia A. Menon, Adv.

versus

UNION OF INDIA & ORS ..... Respondents

Through : Mr. Manish Mohan, CGSC with  
Ms. Manisha Saroha, Adv. for UOI.

Mr. Anil Soni, Standing Counsel with  
Mr. Devesh Dubey, Adv. for AICTE.

+ **W.P.(C) 4865/2013**

THE INSTITUTION OF ELECTRICAL  
ENGINEERING (IEE) ..... Petitioner

Through : Mr. Amit Srivastava, Mr. Subhash  
Budhiraja and Mr. Sharyar Ali, Advs.

versus

UNION OF INDIA & OTHERS ..... Respondents

Through : Mr. Ruchir Mishra, Mr. Mukesh Tiwari  
and Mr. Sanjiv Kumar Saxena, Advs. for  
UOI.

Mr. Anil Soni, Standing Counsel with  
Mr. Devesh Dubey, Adv. for AICTE.

+ **W.P.(C) 6226/2013, CM Nos.13635/2013, 17140/2016, 8792/2018 & 43225/2019**

INSTITUTION OF FIRE ENGINEERS(INDIA) ..... Petitioner

Through : Mr. N.L. Bareja, Adv.

versus

UNION OF INDIA & ANR ..... Respondents

Through : Mr. Manish Mohan, CGSC with  
Ms.Manisha Saroha, Adv. for UOI.  
Mr. Anil Soni, Standing Counsel with  
Mr. Devesh Dubey, Adv. for AICTE.  
Ms. Prabjot Kaur and Mr. Akash Dahiya,  
Advs. for Mr. M.K. Bhardwaj, Adv. in  
CM No.8792/2018.

+ **W.P.(C) 3154/2014 & CM APPL. 6569/2014**

INSTITUTION OF SURVEYORS ..... Petitioner

Through : Ms. Nikita Salwan, Adv.

versus

UNION OF INDIA & ANR. .... Respondents

Through : Mr. Bhagvan Swarup Shukla, CGSC  
with Mr. Gokul Kumar and Mr.Saravan  
Kumar Shukla, Advs. for UOI.  
Mr. Anil Soni, Standing Counsel with  
Mr. Devesh Dubey, Adv. for AICTE.

+ **W.P.(C) 1711/2015**

THE COUNCIL OF ENGINEERING &  
TECHNOLOGY (INDIA) & ANR ..... Petitioners

Through : Mr. D. Bhattacharya, Adv.

versus

ALL INDIA COUNCIL FOR TECHNICAL  
EDUCATION & ANR ..... Respondents

Through : Mr. Anil Soni, Standing Counsel with  
Mr. Devesh Dubey, Adv. for AICTE.

**CORAM:**

**HON'BLE MR. JUSTICE RAJIV SHAKDHER**

**ORDER**

**11.02.2020**

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1. Learned counsel for Union of India (UOI) and All India Council for Technical Education (AICTE) have read in extenso the relevant parts of the judgment rendered by the Supreme Court on 13.08.2019, passed in Civil Appeal No.17922/2017, titled *Institution of Mechanical Engineers (India) “Through Its Chairman v. State of Punjab & Ors.*

2. Based on the aforementioned judgment, learned counsel for UOI and AICTE say that the circular dated 06.12.2012 which is impugned in the captioned writ petition has already been dealt with by the Supreme Court.

2.1 In this behalf, learned counsel referred, *inter alia*, to the following paragraphs of the judgment:

“42. Consequently, neither can the appellant claim, as a matter of right to be entitled to confer any degree nor can it claim that Certificate awarded by it must be reckoned to be equivalent to a Degree in Mechanical Engineering.

43. The High Court was, therefore, right in observing:-

“... .. the Institute of Mechanical Engineers (India), Mumbai is a registered Society and is thus a Technical Institution and is required to obtain approval from AICTE in respect of its courses in technical subjects. The membership of such institute cannot be treated as equivalent to a degree, as the candidate qualified from such institute cannot be said to be at par with the members of Institution of Engineers established under the Statute. (para 208)

... ..  
... ..There is no document produced or alleged that Respondent No.4 has permanent recognition from any Council or Board in respect of its courses. Therefore, the degrees or the membership granted by respondent No.4 cannot be treated as equivalent to Degree in Engineering.” (para 211)

44. *However, the fact remains that the equivalence to the Certificates awarded by the appellant was granted by the MHRD in consultation with AICTE upto 31.05.2013 as is evident from Notification dated 06.12.2012 issued by the Central Government and Public Notice issued by AICTE in August, 2017. These communications also indicate that all those students who were enrolled upto 31.05.2013 would be eligible for consideration in accordance with MHRD office memorandum/order in course. Though we have laid down that the Certificates issued by the appellant on successful completion of its bi-annual examination to its Members cannot be considered to be equivalent to a Degree, an exception needs to be made in favour of students enrolled up to 31.05.2013 and benefit in terms of the Notification dated 06.12.2012 and Public Notice as aforesaid ought to be extended to such candidates. The candidates had opted to enroll themselves so that they could appear at the examinations conducted by the appellant under a regime which was put in place by the Central Government itself and the course content as well as the curriculum were reviewed by the AICTE. However, the aforementioned Notification and Public Notice were clear that after 01.06.2013 the concerned orders granting equivalence would cease to have any effect.*

45. *In the circumstances we do make an exception in favour of such candidates enrolled upto 31.05.2013 and declare that the conclusions drawn in the present matter will apply after 01.06.2013. The Certificate awarded by the appellant to such candidates enrolled upto 31.05.2013 shall be considered equivalent to a Degree in Mechanical Engineering for the purpose of employment in Central Government.*

46. *In the premises, we do not find any error in the assessment made by the High Court in paragraphs 205 to 213 of its judgment. We, therefore, dismiss all the submissions raised by the appellant and reject Miscellaneous Application No. 2367 of 2018. No costs."*

2.2 To be noted, the aforementioned civil appeal which was decided by the Supreme Court arose out of the judgment of the Punjab & Haryana High Court dated 06.11.2012, passed in W.P.(C)No.12909/2009, titled **Jagmohan Singh VS. State of Punjab & Ors..**

3. Learned counsel, who appear on behalf of the petitioners, say that as is  
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obvious from the dates, the circular which is impugned before this court was not in challenge before the Punjab and Haryana High Court.

4. To my mind, while this contention of learned counsel for the petitioners is correct, the Supreme Court has in extenso dealt with the impugned circular dated 06.12.2012 and its impact. The observations made by the Supreme Court make that evidently clear.

5. Insofar as this court is concerned, it is bound by the judgment of the Supreme Court and, therefore, the challenge to the impugned circular dated 06.12.2012, to my mind, cannot be examined by this court.

6. At this stage, learned counsel for the petitioners seek a short accommodation to revisit the issue.

7. I may also indicate that learned counsel for the petitioners had argued that the AICTE was required to carry out a review of the regulations forged under the impugned circular dated 06.12.2012.

8. Mr. Gaurav Sarin, who appears on behalf of UOI in W.P.(C)No.945/2013, informs me that the AICTE did make recommendations which were not accepted by the MHRD.

8.1 In this behalf, learned counsel for UOI has drawn my attention to paragraph 28 of the aforementioned judgment of the Supreme Court.

9. At request, renotify the captioned matters on 26.03.2020.

10. It is made clear that no fresh admissions will be made by the petitioners till further orders of this court.

**RAJIV SHAKDHER, J**

**FEBRUARY 11, 2020**

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