

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.3697-3698 OF 2018
(@ SPECIAL LEAVE PETITION (CIVIL) NOS. 5560-5561 OF 2018)

JAWAHARLAL NEHRU TECHNOLOGICAL
UNIVERSITY REGISTRAR

...APPELLANT(S)

VERSUS

THE CHAIRMAN AND MANAGING DIRECTOR TRANSMISSION
CORPORATION OF TELANGANA LTD & ORS.

...RESPONDENT(S)

WITH

SLP(C) No. 3755/2018

SLP(C)No...../2018 (@Diary No(s). 3731/2018)

SLP(C)No...../2018(@ Diary No(s). 4347/2018)

SLP(C)No...../2018(@ Diary No.(s) 5836 of 2018)

SLP(C) No. 7528-7532/2018

SLP(C) No. 7534-7535/2018

SLP(C) No. 7537-7544/2018

SLP(C) No. 7533/2018

O R D E R

IN C.A. Nos...../2018 (@ SLP(C)Nos. 5560-5561 OF 2018)

1. Leave granted. Heard learned counsel for the parties.
2. On 16.02.2018 the following order was passed:

"Permission to file the special
leave petition is granted.

Learned Attorney General has pointed
out that in view of the judgment of this
Court in "Bharathidasan University &
Anr.Vs. All India Council For Technical

Education & Ors.", (2001) 8 SCC 676, no prior approval of the All India Council for the Technical Education (AICTE) is required by the petitioner - University for starting engineering courses.

The petitioner -University is a State University and it gave admissions in transparent manner only to the Government Employees. There was a contact programme and faculty was available. Practical work also held. DEC gave ex-post facto approval. The standards have not been compromised.

It was also submitted that upto 2005, there were no bar for such courses being conducted even by Universities other than the State Universities. It is also stated that after 2009, the distance education system has been closed.

It has been suggested that it will be necessary to hear the UGC also.

AICTE and UGC are added as party - respondents.

Mr. Harish Pandey, Advocate appears and accepts notice on behalf of AICTE and seeks time to take instructions.

Let notice be issued to UGC, returnable on 21.03.2018.

In the meanwhile, status quo, as of today, shall be maintained by the parties.

In SLP(C) No. 3755/2018, SLP(C) Diary No(s). 3731/2018, Diary No(s). 4347/2018 & SLP(C) Diary No.5836/2018:

Put up these matters along with SLP(C)Diary No(s). 3501 of 2018".

3. Shri Maninder Singh, learned ASG appearing for the AICTE and the UGC has drawn our attention to the judgment of this Court in *Orissa Lift Irrigation Corporation Limited v. Rabi Sankar Patro and Others* - 2018 (1) SCC 468 inter alia

laying down as follows:

"47. The AICTE is directed to devise within one month from the date of this judgment modalities to conduct appropriate test/tests both in written examination as well as in practicals for the concerned students admitted during the academic sessions 2001-2005 covering all the concerned subjects. It is entirely left to the discretion of AICTE to come out with such modalities as it may think appropriate and the tests in that behalf shall be conducted in the National Institutes of Technology in respective States wherever the students are located. The choice may be given to the students to appear at the examination which ideally should be conducted during May/June, 2018 or on such dates as AICTE may determine. Not more than two chances be given to the concerned students and if they do not pass the test/tests their degrees shall stand recalled and cancelled. If a particular student does not wish to appear in the test/tests, the entire money deposited by such student towards tuition and other charges shall be refunded to that student by the concerned Deemed to be University within a month of the exercise of such option. The students be given time till 15th of January, 2018 to exercise such option. The entire expenditure for conducting the test/tests in respect of students who wish to undergo test/tests shall be recovered from the concerned Deemed to be Universities by 31.03.2018. If they clear the test/tests within the stipulated time, all the advantages or benefits shall be restored to the concerned candidates. We make it clear at the cost of repetition that if the concerned candidates do not clear the test/tests within the time stipulated or choose not to appear at the test/tests, their degrees in Engineering through distance education shall stand recalled and cancelled. It goes without saying that any promotion or advancement in career on the basis of such degree shall also stand withdrawn, however any monetary benefits or advantages in that behalf shall not be recovered from them.

48. As regards the students who were admitted after the ex-post-facto approval granted in favour of such Deemed to be Universities, in our view, there was no sanction whatsoever for their admission. The Policy Statements as well as warnings issued from time to time were absolutely clear. The students were admitted on the strength

either provisional recognition or on the strength of interim orders passed by the High Court. We therefore, declare that in respect of students admitted after the academic sessions of 2001-2005, the degrees in Engineering awarded by the concerned Deemed to be Universities through Distance Education Mode shall stand recalled and be treated as cancelled. Any benefit which a candidate has secured as a result of such degrees in Engineering in the nature of promotion or advancement in career shall also stand recalled. However, if any monetary benefit was derived by such candidates that monetary benefit or advantage will not be recovered by the concerned departments or employers. We, further direct that the entire amount paid by such students to the concerned Deemed to be Universities towards tuition fee and all other expenditure for such courses through distance education learning shall be returned by the concerned Deemed to be Universities to the respective students. This direction shall be complied with by the concerned Deemed to be Universities scrupulously and the amounts shall be returned by 31st of May, 2018 and an appropriate affidavit to that extent shall be filed with UGC within a week thereafter".

4. It is submitted that the norms of AICTE have to be followed and distance learning is not permitted at all in technical education. Thus, even if the distinguishing feature noted in the order issuing notice exist, the view of the High Court is consistent with the judgment of this Court.

5. Shri R. Venkataramani, learned senior counsel appearing for the original writ petitioners submitted that degree to be granted has to be the one recognized by the UGC under Section 22 of the UGC Act. It is also pointed out that under Section 6(e) of the Andhra Pradesh Education Act, 1982, norms of AICTE are fully applicable to award of Diplomas.

6. While we find merit in the submission of learned counsel for the respondents that the view taken by the High

Court is correct in law, in view of distinguishing features in the present case noted in the order issuing notice, while directing that norms must be followed in future, the degrees and diplomas in question already granted to candidates admitted up to academic year 2009-2010 may be left undisturbed. To this extent, the impugned order stands modified.

6. The appeals are, accordingly, disposed of.

SLP(C) No. 3755/2018, SLP(C)No...../2018 (@ Diary No(s). 3731/2018), SLP(C)No...../2018 (@ Diary No(s). 4347/2018), SLP(C) No. 7528-7532/2018, SLP(C) No. 7534-7535/2018, SLP(C) No. 7537-7544/2018 and SLP(C) No. 7533/2018

In view of order passed in C.A. Nos...../2018 (@ SLP(C)Nos. 5560-5561 OF 2018), these petitions are disposed of.

SLP(C)No...../2018 (Diary No.(s) 5836 of 2018)

Permission to file SLP is rejected.

Petitioners are at liberty to take their remedy in accordance with law before an appropriate forum.

.....J.
[ADARSH KUMAR GOEL]

NEW DELHI
10th APRIL, 2018

.....J.
[ROHINTON FALI NARIMAN]

REVISED

ITEM NO.21

COURT NO.11

SECTION XII-A

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 5560-5561/2018

(Arising out of impugned final judgment and order dated 19-01-2018 in WP No. 1683/2017 19-01-2018 in WP No. 34857/2017 passed by the High Court Of Judicature At Hyderabad For The State Of Telangana And The State Of Andhra Pradesh)

JAWAHARLAL NEHRU TECHNOLOGICAL UNIVERSITY REGISTRARPetitioner(s)

VERSUS

THE CHAIRMAN AND MANAGING DIRECTOR TRANSMISSION CORPORATION OF
TELANGANA LTD & ORS. Respondent(s)

(IA No.16980/2018-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT AND IA No.18164/2018-I/A FOR PERMISSION TO FILE ADDITIONAL GROUNDS AND INTERVENTION)

WITH

Diary No(s). 4347/2018 (XII-A)

(FOR PERMISSION TO FILE SLP/TP ON IA 19756/2018 FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA 19758/2018)

Diary No(s). 3731/2018 (XII-A)

(FOR PERMISSION TO FILE SLP/TP ON IA 20292/2018 FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA 20294/2018)

SLP(C) No. 3755/2018 (XII-A)

(FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA 17785/2018)

Diary No(s). 5836/2018 (XII-A)

(FOR PERMISSION TO FILE SLP/TP ON IA 24573/2018 FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA 24574/2018)

SLP(C) No. 7528-7532/2018 (XII-A)

(FOR ADMISSION and I.R. and IA No.35018/2018-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

SLP(C)NO.5560-5561/2018])

SLP(C) No. 7534-7535/2018 (XII-A)

SLP(C) No. 7533/2018 (XII-A)

SLP(C) No. 7537-7544/2018 (XII-A)

Date : 10-04-2018 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ADARSH KUMAR GOEL
HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN

For Petitioner(s)	<p>Mr. N.K. Kaul, Sr. Adv. MR. Vivekananda B., Adv. Mr. Divyanshu Shrivastava, Adv. Mr. Akash Lamba, Adv.</p> <p>Mr. C.U. Singh, Sr. Adv. Mr. Rana Mukherjee, Sr. Adv. Mr. Sridhar Potaraju, AOR Mr. Prabhat Kumar, Adv. Ms. Ankita Sharma, Adv. Mr. Udai Khanna, Adv.</p> <p>Mr. C.S. Vaidyanathan, Sr. Adv. Mr. J. Ramachandra Rao, Adv. MR. P. Venkat Reddy, Adv. Mr. Ramchandra Goud, Adv. Mr. Dharmesh, Adv. Mr. A. Raghunath, Adv. Mr. Prashant KR. Tyagi, Adv. M/S. Venkat Palwai Law Associates, AOR</p> <p>Mr. P.S. Narasimha, ASG Mr. P. Venkata Reddy, Adv. Mr. A. Abhishek Reddy, Adv. Mr. Prashant Kr. Tyagi, Adv. M/S. Venkat Palwai Law Associates, AOR</p> <p>Mr. Neeraj Kishan Kaul, Sr. Adv. Mr. P. Prabhakar, Adv. Mr. B. Ramana Murthy, AOR</p> <p>Mr. B. Adinarayana Rao, Sr. Adv. MR. C.S. Vaidyanathan, Sr. Adv. Mr. P. Prabhakar, Adv. Mr. Vidya Sagar, Adv. Mr. Anil Kumar Tandale, AOR</p> <p>Mr. V.V. v. Pattabhi Ram, Adv. Mr. Sanjay Kumar Tyagi, AOR</p> <p>Mr. Mullapudi Rambabu, Adv. Mr. N. Eswara Rao, Adv. Mr. Vijayshree Patnayak, Adv.</p>
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M/S. M. Rambabu And Co., AOR

For Respondent(s)
For UGC

Mr. Maninder Singh, Asg
Mr. Apoorv Kurup, Adv.
Mr. Girijapati Kaushal, Adv.
Mr. A.C. Boxipatro, Adv.
Mr. Prabhas Bazaz, Adv.

Mr. R. Venkataramani, Sr. Adv.
Mr. K.G. Krishna Murthy, Sr. Adv.
Mr. Yashraj Bundela, Adv.
Mr. G. N. Reddy, AOR

Mr. Rakesh K. Sharma, AOR
Mr. Nishant, Adv.

Mr. Anil Soni, Adv.
Mr. Harish Pandey, AOR

Mr. Dilip Annasaheb Taur, Adv.
MR. Amol V. Deshmukh, Adv.
Ms. Heena Khan, Adv.

UPON hearing the counsel the Court made the following
O R D E R

IN C.A. Nos...../2018 (@ 5560-5561 OF 2018)

Leave granted.

The appeals are disposed of in terms of the
signed order.

Pending application(s) including application for
intervention shall also stand disposed of.

SLP(C) No. 3755/2018, Diary No(s). 3731/2018, Diary No(s).
4347/2018, SLP(C) Nos. 7528-7532/2018, SLP(C) Nos. 7534-7535/2018
SLP(C) No. 7537-7544/2018, SLP(C) No. 7533/2018

Permission to file SLPs is granted.

The petitions are disposed of in terms of the signed
order.

Pending application(s), if any, shall also stand
disposed of.

SLP(C)No...../2018 (Diary No.(s) 5836 of 2018)

Permission to file SLP is rejected.

Petitioners are at liberty to take their remedy in accordance with law before an appropriate forum.

(MADHU BALA)

COURT MASTER (SH)

(Corrected Signed order is placed on the file)

(PARVEEN KUMARI PASRICHA)

BRANCH OFFICER

ITEM NO.21

COURT NO.11

SECTION XII-A

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R E C O R D O F P R O C E E D I N G S

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Mr. V.V. v. Pattabhi Ram, Adv.
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(MADHU BALA)
COURT MASTER (SH)
(Signed order is placed on the file)

(PARVEEN KUMARI PASRICHA)
BRANCH OFFICER