

Central Administrative Tribunal
Principal Bench, New Delhi

OA No. 2125/2017

MA No. 4076/2017

MA No. 2281/2017

MA No. 2734/2017

New Delhi this the 7th day of November, 2017

Hon'ble Mr. Justice Permod Kohli, Chairman
Hon'ble Mr. K.N. Shrivastava, Member (A)

1. Vinod Kumar, AE, Group 'B'
Aged about 50 years,
S/o Sh. Ram Mehar Singh,
R/o 31/250, Ashok Nagar
Bahadur Garh
2. Hari Shankar Mauriya, AE, Group 'B'
Aged about 51 years,
S/o SN Maurya
R/o 109-M, Aram Bagh,
Paharganj,
N.Delhi-110055
3. Suresh Chandra Arya, AE, Group 'B'
Aged about 52 years,
S/o Sh. Pyare Lal
R/o B-64, Nanakpura,
New Delhi-110021
4. Balbir Singh AE, Group 'B'
Aged about 54 years,
S/o Lt. Jodh Singh,
R/o D-9/8, Radio Colony, Kingsway Camp,
New Delhi-110009
5. Smt. Harvinder Kaur, AE, Group 'B'
Aged about 51 years,
D/o Lt. SS Saluja
R/o B-22/2, Ist Floor,
Double Story, Ramesh Nagar, Delhi
6. Swati Maitra, AE, Group 'B'
Aged about 58 years,
D/o Lt. Sh. RB Chakrabty
R/o C-428, CR Park,
New Delhi-110019
7. Shashi Wali, AE, Group 'B',
Aged about 57 years,
D/o Sh. PN Lidhoo,
R/o A-63, Sushant Lok,

Phase-III, Gurgaon
(Haryana)

8. Naresh Prabhakar, AE, Group 'B'
Aged about 53 years,
S/o Lt. SS Prabhakar,
R/o Qtr. No. D-3 Akashvani Colony,
Suratgarh
9. Kuldip Singh Gulia, AE Group 'B'
Aged about 56 years,
S/o Sh. Balbir Singh,
R/o 1608 Sector-3,
Rohtak,
10. SS Rathore, AE, Group 'B',
Aged about 51 years,
S/o Hari Kishan,
R/o AIR Complex,
Sector-34D,
Chandigarh
11. Shakuntla Bhatt, AE, Group 'B',
Aged about 50 years,
D/o Sh. Sarwan Kumar,
R/o All India Radio, Kasauli
HP – 173204
12. Surinder Kumar, AE, Group 'B',
Aged about 49 years,
S/o Majnu Ram,
R/o DDK Chandigarh,
Near Batra Theatre, Sector-37B
Chandigarh
13. Pratap Singh Chauhan, AE, Group 'B'
Aged about 52 years,
S/o Sh. Gita Ram Chauhan,
R/o Set No.9, Atlantis Apartment,
Pari Mahal, Kasumpti,
Shimla, HP – 171009
14. Raj Kumar, AE, Group 'B'
Aged about 49 years,
S/o Sh. Dicha Ram,
R/o Doordarshan Staff Qtr.
B-5, Upper Mall,
Kasuali (HP)
15. Sarwan Kumar Regar, AE, Group 'B',
Aged about 48 years,
S/o Sh. Nanu Ram,
R/o C-86, Agarsen Nagar,
Churu-331001 (Raj.)

16. Apurba Kumar Ghosh, AE, Group 'B'
Aged about 53 years,
S/o Sh. Amarendra Narayan Ghosh,
R/o Flat No.A5/4, Block-DF,
Purba Abasan 1582/1 Randanga,
Main Road,
Kolkata
17. Arvind Kumar Sharma, AE, Group 'B'
Aged about 58 years,
S/o Sh. Bal Krishan Sharma,
R/o Doordarshan City Office, AIR complex,
Dharamshala (HP)
18. Narendra Kumar, AE, Group 'B',
Aged about 56 years,
S/o Sh. Sukhbir Singh,
R/o B-262, MIG, DDA Flat,
East of Loni Road,
Delhi-110093
19. Kanwar Sain AE, Group 'B'
Aged about 56 years,
S/o Sh. Sadhu Ram,
R/o A/2/60 Ambedker Vihar,
Delhi-94
20. Md. Javed Sharma, AE, Group 'B'
Aged about 57 years,
S/o Lt. Md. Shamsul Hoda,
R/o P-201, Taj Enclave,
Seeta Colony,
Delhi-110031
21. Jaiprakah M. Singh, AE, Group 'B'
Aged about 57 years,
S/o Sh. Munilal Thakur Prasad,
R/o Type 4/6, HPT Air,
Akashwani Colony,
Marve Road, Malad West,
Mumbai-95
22. Vishwa Nath Ram, AE, Group 'B'
Aged about 55 years,
S/o Lt. Ram Charitra Ram,
R/o 712 Sector-4, RK Puram,
New Delhi-110022
23. Ruchira Gupta, AE, Group 'B'
Aged about 53 years,
D/o Sh. DD Aggarwal,
R/o 142-B, Pocket-C,
Siddhartha Extension
New Delhi-110014

24. Tarachandra, AE, Group 'B'
Aged about 52 years,
S/o Sh. Bali Prasad,
R/o C-6/1012, Janki Puram Ext.,
Lucknow-31
25. Amulya Kumar Mohanty, AE, Group 'B'
Aged about 54 years,
S/o Nitusingha Charan Mohanty,
R/o Qtr. No. B7, Doordarshan Colony,
TV Tower, Gangtok,
Sikkim
26. Vijay Kumar Anil AE, Group 'B'
Aged about 56 years,
S/o Lt. Sh. Bala Ram,
R/o LS-2/631, Sector-F,
Jankipuram,
Lucknow-21
27. Meena Verma, AE, Group 'B'
Aged about 48 years,
D/o Sh. MP Verma,
R/o A-401, Faculty Flat,
KG-MU, Jagat Narayan Road-LKO
28. KP Vishwakarma, AE, Group 'B'
Aged about 52 years,
S/o Sh. Vindhreshwari,
R/o Doordarshan Kendra,
Allahabad
39. S.K. Srivastava, AE, Group 'B'
Aged about 53 years,
S/o Lt. Sh. Ramashankar Lal Srivastava,
R/o Doordarshan Kendra,
Allahabad
30. Atul Kumar Sharma, AE, Group 'B'
Aged about 55 years,
S/o Sh. Bhuvnesh Dutt Sharma,
R/o IIRM/132, Sec-2, Rajendra Nagar,
Sahibabad (GZB) UP
31. Hari Govind, AE, Group 'B'
Aged about 58 years,
S/o Sh. Sonpal,
R/o 5/728, Vikas Nagar,
Lucknow-226022
32. I. Anbukkani, AE, Group 'B'
Aged about 56 years,
S/o Sh. T. Iyanar,
R/o All India Radio,
Tirunelveli

33. Gautam Kumar Adhikary, AE, Group 'B'
Aged about 53 years,
S/o Lt. Sh. Narayan Chandra Adhikary
R/o C/4 Ganapati Tower, Sainik School,
Khurda,
Bhubaneswar-751005
34. Anil Kumar Jain, AE, Group 'B'
Aged about 54 years,
S/o Sh. Phool Chand Jain,
R/o D-V/8, Doordarshan Colony,
Bhopal (MP)
35. Shareef Iqbal Khan, AE, Group 'B'
Aged about 57 years,
S/o Sh. Mokarram Ali Khan,
R/o Moh. Nizampur,
Gorakhpur, UP

- Applicants

(By Advocate: Mr. M.K. Bhardwaj)

VERSUS

1. Ministry of Information and Broadcasting,
Through its Secretary,
A-Wing, Shastri Bhawan,
New Delhi
2. Prasar Bharti
(Broadcasting Corporation of India)
Through its Chief Executive Officer,
2nd Floor, PTI Building,
Parliament Street,
New Delhi-110001
3. The Director General,
All India Radio,
Akashwani Bhawan,
Parliament Street,
New Delhi-110001
4. Director General,
Doordarshan, Doordarshan Kendra,
Doordarshan Bhawan,
Mandi House, Copernicus Marg,
New Delhi

- Respondents

(By Advocate: Mr. DS Mahendru for respondent no.1
Mr. S.M. Arif respondents 2 to 4)

O R D E R (Oral)

Justice Permod Kohli:

MA No. 2734/2017 has been filed for deletion of name of Secretary (I&B) from the list of respondents. For the reasons recorded in the MA, the same is allowed.

2. MA No. No. 4076/2017 has been filed seeking direction for according consideration to the applicants for promotion to the post of JTS. It has been brought to our notice that the Hon'ble Supreme Court, vide its detailed order dated 03.11.2017 passed in Civil Appeal Nos. 17869-17870/2017, has considered the entire gamut of the controversy in respect to degrees granted by various deemed Universities, including from where the applicants have acquired qualifications. On consideration of the entire controversy, the Hon'ble Supreme Court has issued the following directions:-

“53. Accordingly we direct:

I. 1994 AICTE Regulations, do apply to Deemed to be Universities and the Deemed to be Universities in the present matter were not justified in introducing any new courses in Technical Education without the approval of AICTE.

II. Insofar as candidates enrolled during the Academic Sessions 2001-2005, in the present case the ex post facto approvals granted by UGC and their concerned authorities are set aside.

III. Consequent to aforesaid direction No.II, all the degrees in Engineering awarded by concerned Deemed to be Universities stand suspended.

IV. The AICTE shall devise the modalities to conduct an appropriate test/tests as indicated in Para 47 above. The option be given to the concerned students whose degrees stand suspended by 15.01.2018 to appear at the test/tests to be conducted in accordance with the directions in Para 47 above. Students be given not more than two chances to clear test/tests and if they do not successfully clear the test/tests within the stipulated time, their degrees shall stand cancelled and all the

advantages shall stand withdrawn as stated in Paras 46 and 47 above. The entire expenditure for conducting the test/tests shall be recovered from the concerned Deemed to be Universities by 31.03.2018.

V Those students who do not wish to exercise the option, shall be refunded entire money deposited by them towards tuition fee and other charges within one month of the exercise of such option. Needless to say their degrees shall stand cancelled and all advantages/benefits shall stand withdrawn as mentioned in Para 47.

VI If the students clear the test/tests within the stipulated time, all the advantages/benefits shall be restored to them and their degrees will stand revived fully.

VII As regards students who were admitted after the Academic Sessions 2001-2005, their degrees in Engineering awarded by the concerned Deemed to be Universities through distance education mode stand recalled and be treated as cancelled. All benefits secured by such candidates shall stand withdrawn as indicated in Para 48 above. However, the entire amount paid by such students to the concerned Deemed to be Universities towards tuition fees and other expenditure shall be returned by the concerned Deemed to be Universities by 31.05.2018, as indicated in Para 48.

VIII By 31.05.2018 all the concerned Deemed to be Universities shall refund the sums indicated above in VII and an appropriate affidavit to that extent shall be filed with UGC within a week thereafter.

IX. We direct the CBI to carry out thorough investigation into the conduct of the concerned officials who dealt with the matters and went about the granting permissions against the policy statement, as indicated in Para 49 above and into the conduct of institutions who abused their position to advance their commercial interest illegally. Appropriate steps can thereafter be taken after culmination of such investigation.

X. The UGC shall also consider whether the Deemed to be University status enjoyed by JRN, AAI, IASE and VMRF calls for any withdrawal and conduct an inquiry in that behalf by 30.06.2018 as indicated above. If the moneys, as directed above are not refunded to the concerned students that factor shall be taken into account while conducting such exercise.

XI We restrain all Deemed to be Universities to carry on any courses in distance education mode from the Academic Session 2018-2019 onwards unless and until

it is permissible to conduct such courses in distance education mode and specific permissions are granted by the concerned statutory/regulatory authorities in respect of each of those courses and unless the off-campus Centres/Study Centres are individually inspected and found adequate by the concerned Statutory Authorities. The approvals have to be course specific.

XII The UGC is further directed to take appropriate steps and implement Section 23 of the UGC Act and restrain Deemed to be Universities from using the word 'University' within one month from today.

XIII The Union of India may constitute a three members Committee comprising of eminent persons who have held high positions in the field of education, investigation, administration or law at national level within one month. The Committee may examine the issues indicated above and suggest a road map for strengthening and setting up of oversight and regulatory mechanism in the relevant field of higher education and allied issues within six months. The Committee may also suggest oversight mechanism to regulate the Deemed to be Universities. The Union of India may examine the said report and take such action as may be considered appropriate within one month thereafter and file an affidavit in this Court of the action taken on or before August 31, 2018. The matter shall be placed for consideration of this aspect on 11.09.2018.”

The controversy in the present case is to be governed by the directions issued by the Hon'ble Supreme Court. Hence, we propose to take up the OA itself. With the consent of the learned counsel for the parties, the OA listed on 21.12.2017 is hereby preponed and taken up for consideration today itself. Since the aforementioned Judgment of the Apex Court is applicable to the present case, this OA and ancillary applications are disposed of in terms of the directions issued by the Hon'ble Supreme Court referred to hereinabove.

(K.N. Shrivastava)
Member (A)

(Justice Permod Kohli)
Chairman

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