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IN THE HIGH COURT OF ORISSA :: CUTTACK

(ORIGINAL JURISDICTION CASE)

W.P.(C) NO. 24611 OF 2011

CODE NO.

Aswini Das Adhikari Petitioner
Versus
State of Orissa and others Opposite Parties

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CUTTACK

DT. .09.2011

ADVOCATE FOR THE PETITIONER.

IN THE HIGH COURT OF ORISSA :: CUTTACK

(ORIGINAL JURISDICTION CASE)

W.P.(C) NO 24611 OF 2011

CODE NO.

IN THE MATTER OF :

An application under Articles 226 and 227 of the
Constitution of India ;

A N D

IN THE MATTER OF ;

Aswini Das Adhikari, aged about 32 years, son of
Rabinarayan Das Adhkari of Damodarpur,
B.C.Dutta Lane, P.O.: Motiganj, District: Balasore,
at present working as Line Man-C, Office of the
No.2-Electrical Section, Sunhat under Balasore
Electrical Division, District: Balasore.

.. .. . Petitioner

Versus

1. State of Orissa, represented through its
Commissioner-cum-Secretary, Energy
Department, Secretariat Building,
Bhubaneswar, District: Khorda.
2. Managing Director, NESCO, Registered Office
Plot No.N1/22, Nayapalli, Bhubaneswar-751015.
3. Chief Executive Officer, NESCO, Corporate
Office, At/P.O.: Januganj, District: Balasore.

4. D.G.M. H.R.C. (NESCO), Registered Office, Plot
No.N1/22, Nayapalli, Bhubaneswar, District:
Khorda

.. .. . Opposite Parties

The matter out of which this writ application
arises was before this Hon'ble Court in W.P.(C)
No.15829 of 2008 ^{Disposed by on 16.4.2009} ~~and~~ W.P.(C) No.3524 of 2009
~~are~~ still pending as per instruction received.

To

The Hon'ble Mr.V.Gopala Gowda, B.Sc. LL.B., the
Chief Justice of Orissa High Court and His
Lordships Companion Justices of the said Hon'ble
Court.

The humble petition of the
Petitioner, named above :

Most Respectfully Sheweth ;

1. That the petitioner, who is at present working as Line
Man under opposite party No.2,3 and 4 files this writ application
challenging the action of the opposite parties particularly
opposite party No.4 in rejecting the application of the petitioner
for the post of Graduate Engineer Trainee (GET) pursuant to the
advertisement made in "The Samaj" as well as in "the New
Indian Express" dated 10.06.2011 solely on the ground that the
petitioner submitted a degree qualification of Electrical
Engineering obtained from a University which is not recognised.

The grievance of the petitioner is that though the petitioner has obtained such degree from Deemed University which has already been approved by the competent authority namely DEC, AICTE & UGC in their joint meeting. The action of the opposite parties in not accepting the degree of the petitioner for the above purpose is not only arbitrary, but also without any authority of law.

2. That the petitioner is a resident of Damodarpur, B.C. Dutta Lane, P.O.: Motiganjin the district of Balasore and the cause of action for filing the present writ application arises within the territorial jurisdiction of this Hon'ble Court.

3. That the Northern Electricity Supply Company (hereinafter referred to NESCO, Western Electricity Supply Company (hereinafter referred to WESCO) and Southern Electricity Supply Company (herein-after referred to SESCO), of Orissa Ltd. are State within the meaning of Article-12 of the Constitution of India, as the State Government has evasive control over the aforementioned organizations.

4. That the petitioner was duly selected by the opposite parties for appointment as Trainee Technician and pursuant to the appointment letter, the petitioner submitted his joining report on 04.10.2004. While the petitioner was appointed, he had the requisite qualification for the above post that is ITI in

Electrical Trade which was the requisite qualification for appointment of Trainee Technician.

5. That while the petitioner was continuing as a Trainee Technician, his appointment was confirmed against the post of Junior Technician. While continuing as such, the petitioner moved the opposite parties to go for higher study under a Deemed University namely J.R.N.Rajasthan Vidyapeeth (Deemed University).

6. That while the petitioner was continuing as Junior Manager, he had acquired Diploma from JRN Rajasthan Vidyapeeth University (Deemed University) and subsequently he had also acquired B.Tech. qualification in Electrical. It is not out of place to mention here that JRN Rajasthan Vidyapeeth (Deemed University) is a university declared to be deemed university under section 3 of U.G.C.Act, 1956 and notified by Government of India, Ministry of Human Resources Development Department. Copy of such Notification dated 12.01.1987 is annexed herewith as **Annexue-1.**

7. That so far as the recognition of courses conducted by the said JRN Rajasthan Vidyapeeth University, the Government of India in its letter dated 17.02.2004 has clearly stated that all the degrees/diploma awarded by the above University established by a Act of Parliament under section 3 of the UGC At stands automatically recognized for the purpose of

employment under the Central Government, no formal order recognizing such degree/diploma are necessary to be issued. The copy of such order of the Government of India dated 17.02.2004 addressed to the Vice Chancellor of JRN Rajasthan Vidyapeeth University is annexed herewith as **Annexure-2**.

8. That the petitioner had undergone the Diploma course i.e. the Diploma in Electrical Engineering through Distant Education Mode under JRN Rajasthan Vidyapeeth University, and acquired B.Tech. qualification in Electrical during 2005 to 2010. After successfully undergoing the aforesaid courses the petitioner appeared the examination and declared to have acquired both Diploma and Degree from the aforesaid Deemed University. The copy of such Diploma certificate as well as the Degree awarded to the petitioner are annexed herewith as **Annexures-3 and 4** respectively.

9. That while the petitioner was continuing as Junior Technician, the opposite party Nos. 2 to 4 decided to fill up the vacancy for the post of Diploma Engineer Trainee in short (DET) and Graduate Engineer Trainee (GET) by giving promotion to the Junior Technicians who have the diploma qualification in Electrical Engineering. Accordingly necessary applications were invited from the available Junior Technicians for such promotion for the post of DET and GET. The petitioner, who had the requisite qualification and experience, offered his candidature before the Chief Executive Officer for consideration of promotion to the

post of DET and GET respectively. After receipt of the application along with required certificates, the Chief Executive Officer forwarded the same to the Managing Director and after thorough scrutiny the Chief Executive Officer found that the petitioner has satisfied the eligibility criteria for promotion to the post of DET and GET. Accordingly the petitioner was called to the interview which was held on 04.05.2008 and 16.08.2008 respectively for filling up the vacancies for the post of DET and GET. The petitioner participated in the said interview and his performance in the said interview was also quite good. The petitioner was asked to submit the original diploma and degree certificate issued to him by the Deemed University for verification.

10. That thereafter when the appointment letters were issued to other candidates, who had applied along with the petitioner having the same qualification of diploma and degree from other Universities and they were given promotion to the post of DET and GET, but no promotion order was issued to the petitioner and after waiting for sometime the petitioner moved this Hon'ble Court along with some other similarly situated candidates in a writ application bearing W.P.(C) No.15829 of 2008 with a prayer to direct the opposite parties to treat the diploma and degree i.e. granted by JRN Rajasthan Vidyapeeth

University is valid for all purposes and further prayed that the opposite parties be directed to publish the result of the interview for promotion to the post of DET and GET held on 04.05.2008 and 16.08.2008 and sought for a direction to the opposite parties to give promotion to the petitioner to the higher post of DET and GET within a reasonable time.

11. That the aforesaid writ application filed by the petitioner along with others were taken up along with similar identical matters filed by some of the employees of MCL who had also obtained the diploma and degree from the same university i.e. JRN Rajasthan Vidyapeeth University, and a Division Bench of this Hon'ble Court disposed of both the writ applications by passing similar orders, wherein a direction was made to the opposite parties to constitute a committee consisting of the representative of UGC, AICTE and DEC and Director of DEC as Chairman and one of the officer of the Management of MCL. This Hon'ble Court further directed that after forming such High Level Committee, such committee will enquire into the matter in order to find out if the certificates issued are genuine and acceptable and if that is so the opposite parties shall proceed with the matter in accordance with law. The petitioner reserves his right to refer to the said order dated 16.04.2009 passed by this Hon'ble Court in the previous writ application.

12. That accordingly in terms of the direction of this Hon'ble Court dated 16.04.2009, a High Power Committee was constituted with the representatives of AICTE, DEC and UGC under the Chairmanship of Director, D.E.C. to enquire into the matter. One of the Officers of the MCL was also present. In the said High Power Committee, it was concluded that the DEC has given institutional recognition to JRN Rajasthan Vidyapeeth University, for offering the programme approved by the statutory body of the University through Distant mode. It was further decided that the recognition given by the DEC to the degree/diploma students is given under post facto recognition, regular recognition to its institution and its programme will be given finally on the recommendation/decision of the joint committee (UGC, AICTE and DEC) as decided in the last meeting of the joint committee. Copy of such minutes of the meeting of higher power committee dated 04.06.2009 is annexed herewith as Annexure-5

13. That in the meantime some of the employees of the MCL as well as some of the employees of NESCO had also moved this Hon'ble Court in writ application bearing W.P.(C) No.3524 of 2009 and W.P.(C) No.4202 of 2009 wherein they made a prayer to direct the opposite parties to act in terms of the recommendation made by the High Power Committee and to accept the certificate granted by JRN Rajasthan Vidyapeeth University (Deemed University) In the said writ application, this

Hon'ble Court was pleased to pass interim orders directing the opposite parties not to take coercive action against the petitioner. It is not out of place to mention here that in W.P.(C) No.3524 of 2009, the present petitioner is one of the petitioner and the said writ application is still pending where interim direction has been granted to the petitioner.

14. That in the said matter from the counter affidavit filed by the UGC and the Distant Education Council it has been clearly admitted that the post facto recognition has been indeed given to the degree and diploma course imparted by the JRN University from 2001 onwards. Copy of such counter filed by the DEC in the aforesaid writ application is annexed herewith as Annexure-b

15. That while the matter stood thus, another advertisement was made in the daily newspaper "The Samaj" as well as "The New Indian Express" on 10.06.2011 inviting applications from the eligible candidates for appointment to the post of Graduate Engineer Trainee (GET). In the said advertisement the eligibility criteria has been fixed that a candidate for such post having degree in Electrical Engineering with minimum 60% mark can apply for such post. Insofar as the present petitioner is concerned, he has acquired a degree qualification of Electrical Engineering having more than 70% of mark and accordingly he submitted his application Online through the official Website of Opposite party Nos. 2 and 3 and

accordingly the application of the petitioner was duly processed and he was assigned with registration No. (ID No. GET00101020110623). Copy of the said advertisement dated 10.06.2011 as well as the application with assigned Registration No. to the petitioner by the opposite parties is annexed herewith as Annexure-7/1 and 7/2

16. That it is now understood that though the petitioner's application was processed and the registration No. was assigned to him, but subsequently only on the ground that the degree qualification of Electrical Engineering of the petitioner obtained from deemed University cannot be accepted since the University is not a recognized one. The petitioner has met the opposite parties and had also brought to the notice of the authorities regarding the decision of the High Power Committee with respect to the grant of post facto recognition to their degree and diploma courses pursuant to the direction of this Hon'ble Court in the earlier writ application, but the opposite parties took a plea that since the certificate had not been obtained from a recognized University the same will not be acceptable. It is respectfully submitted that such action of the opposite parties in not accepting the qualification of the petitioner i.e. degree in Electrical Engineering from the Deemed University i.e. from JRN Rajasthan Vidyapeeth University, Deemed University is not only arbitrary, but also invalid in the eye of law. It is respectfully submitted that JRN Rajasthan Vidyapeeth

University, has been declared as a Deemed University under section 3 of the University Grant Commission Act and the Central Government has also declared that the certificate granted by such University both degree and diploma is to be recognized for all service purposes of the Central Government. Moreover, since High Power Committee Constituted by this Hon'ble Court with the representatives of the statutory body like AICTE, DEC and UGC have decided to grant post facto approval to the JRN Rajasthan Vidyapeeth University (Deemed University) and since the petitioner had undertaken the course during the relevant time which has already been approved post facto by such High Power Committee, the certificate granted by the University cannot be ignored by the opposite parties on the plea that the certificate has not been obtained from a recognized university. Thus, it is not only arbitrary but also contrary to the Statute.

17. That apart from this the petitioner humbly begs to submit that so far as the course undertaken by the petitioner is concerned, the U.G.C. has also granted post facto approval under the Distant Education Mode. The copy of such letter dated 13.11.2007 issued by the UGC to the Vice Chancellor JRN University is annexed herewith as Annexure-6

18. That under the aforesaid circumstances, the action of the opposite parties in not considering the candidature of the petitioner on the ground that the certificate granted to the petitioner is not by a recognized University is totally illegal

inasmuch as the petitioner has not only produced the certificate of Degree Engineering, but he has also produced the mark sheet from which it is clear that he has acquired 70% of mark and therefore, he has satisfied the requirements as per the advertisement to the post of GET.

19. That the petitioner having no other alternative, speedy and efficacious remedy available, forced to file this writ application invoking the extraordinary jurisdiction of this Hon'ble Court under Articles 226 and 227 of the Constitution of India.

PRAYER

It is, therefore, prayed that this Hon'ble Court may graciously be pleased to :-

- i) Admit the writ application;
- ii) Call for the records;
- iii) Issue a writ of mandamus or any other writ/writs, direction/directions and order/orders directing the opposite parties to consider the case of the petitioner for promotion to the post of Graduate Engineer Trainee pursuant to the advertisement dated 10.06.2011 under Annexure ~~7/~~ and further accept the certificate of degree qualification obtained from Deemed University in accordance with the post facto

approval/recognition granted by the statutory body and further be pleased to direct the opposite parties to treat the certificate of the petitioner equivalent to the degree certificate obtained from other statutory University and to consider the candidature of the petitioner for promotion treating him to have satisfied the eligibility criteria for the post of Graduate Engineer.

- iv) And/or pass any other order/orders, direction/directions as this Hon'ble Court deems fit and proper for the ends of justice.

And for this act of kindness, the petitioner shall as in duty bound ever pray.

CUTTACK

DT. .09.11

BY THE PETITIONER THROUGH

ADVOCATE

AFFIDAVIT

I, Aswini Das Adhikari, aged about 32 years, son of Rabinarayan Das Adhikari of Damodarpur, B.C.Dutta Lane, P.O.: Motiganj, District: Balasore, at present working as Line Man-C, Office of the No.2-Electrical Section, Sunhat under Balasore Electrical Division, District: Balasore, do hereby solemnly affirm and state as follows:

1. That I am the petitioner in the present writ application .
2. That the facts stated in the writ application as well as in the affidavit are true to my knowledge and belief.

INDEITIFIED BY**A.C.**

Aswini W. Das Adhikari
Deponent

Certified that due to non-availability of cartridge papers this petition has been typed in thick blue papers.

ADVOCATE

~~Annexure-1~~ 15
Annex-1

No.F. 9-5/84-U.3
Government of India
Ministry of Human Resource Development
(Deptt. Of education)

①
Annexure-1
Annexure-1

New Delhi, the 12th of January, 1987

NOTIFICATION

In exercise of powers conferred by the section 3 of the University Grant Commission Act, 1956 (3 of 1956), the Central Government on the advice of Commission, hereby declares that the Rajasthan Vidyapeeth, Udalpur shall be deemed to be a University for the Purpose of the aforesaid act.

(J.D.Gupta)
Joint Secretary to the Government of India

No.F.31-1/98 U.3
Government of India
Ministry of Human Resource Development
Department of Secondary & Higher Education

Shastri Bhawan, New Delhi
August 2003

NOTIFICATION

Rajasthan Vidyapeeth, Udalpur was granted to be University status under the provision of section 3 of the University Grants Commission Act, 1956 (3 of 1956) vide this Ministry's Notification No. F.9-5/84-U.3 dated January 12, 1987.

The Central Government on the request of the Rajasthan Vidyapeeth and on the advise of University Grants Commission hereby declare that the name of the Rajasthan Vidya peeth, Udalpur is changed to Janardan Rai Nagar Rajasthan Vidyapeeth, Udalpur, Rajasthan with immediate effect.

(Ravi Mathur)
Joint Secretary to the Government of India

No.F.23-1/2003-TS.III
Government of India
Ministry of Human Resource Development
Department of Secondary & Higher Education

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Annexure-2
Annexure-2

New Delhi, the 17th February, 2004

To,
The Vice-Chancellor,
Janardan Raj Nagar,
Rajasthan Vidyapeeth (Deemed) University,
Pratapnagar, Udaipur 313001 (Rajasthan)

Subject : Recognition of courses conducted by University through Academic Centres/ study
Centres/ Off Campus Centres, Regarding.

Sir,

I am directed to refer to your letter No.RVU/VC/2003-2004 dated 10.02.2004 on the subject mentioned above and to say that all degrees/ diplomas awarded by the Universities established by an Act of Parliament for State Legislature, Institutions deemed to be Universities established by an Act of Parliament for State Legislature, Institutions deemed to be Universities under Section 3 of the U.G.C. Act 1956 and Institutions of National Importance declared under an Act of Parliament, stand automatically recognized for purposes of employment under the Central Government. No formal orders recognizing such degrees/ diplomas are necessary to be issued.

A copy of this Department's OM No.F.18-27/70-T.2 dated 20.11.1970 along with its enclosure is enclosed for reference.

Yours faithfully,

(B.K. Jay)
Desk Officer

Annexure-3

S.No. 001163

Enrolment No. DE-7/SA/05/6079

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JAYARDAN RAI NAGAR RAJASTHAN VIDYAPEETH UNIVERSITY

UDAIPUR (RAJASTHAN) INDIA

(Established Under Section 3 of the UGC Act, 1956 vide Notification No. F.9-5/84-U-3, January 12, 1987 of the Government of India)



Certified that ASHWANI KUMAR DASADHIKARI
 SID of RABINARAYANA DASADHIKARI
 having attended the THREE YEARS course and passed
 the examination in the year 2007 from this
 university has been awarded the

Diploma

in ELECTRICAL Engineering
(LATERAL ENTRY)

Udaipur

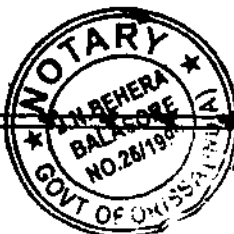
Date 30.09.2007

True Xerox Copy is
 Attested

[Signature]
 G. N. Bhatnagar

[Signature]

Vice-Chancellor



S.No. 008380

Enrolment No. DE-T/SA/05/6079

JAYARDAN RAI NAGAR RAJASTHAN VIDYAPEETH UNIVERSITY
UDAIPUR (RAJASTHAN) INDIA
(Established Under Section 3 of the UGC Act, 1956 vide Notification
No. F.9-5/84-U-3, January 12, 1987 of the Government of India)



Certified that Ashwani Kumar Dasadhikari
S/D of Rabinarayana Dasadhikari
having attended the Four year's course and passed
the examination in the year 2010 from this
university has been awarded the degree of

Bachelor of Technology

in Electrical [Lateral Entry] Engineering

Udaipur

Date 10/7/2011


Vice-Chancellor

~~Annex-5~~
(xxx)
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Annex-5
Annex-5

Minutes of the meeting

On the Issue of recognition of Diplomas awarded by JRN Rajasthan Vidyapeeth Deemed University, Udaipur, Rajasthan by the Distance Education Council on 04.06.2009 at 11.00 am.

Board Room, IGNOU, Maidan Garhi.

Pursuant to the directions of the Honorable High Court of Orissa, Cuttack, dated 16.04.09, in connection with the Writ Petition No. WP (C) No.15725 of 2008 disposed by the Honorable High Court on 16.04.09 to constitute a "High level Committee consisting of one of the officers of the Management of MCL and one of the representatives of the AICTE, DEC, and UGC as members and director, DEC as the Chairman to enquire into the matter in order to find out if the certificates issued by UGC/AICTE and DEC are correct, genuine and acceptable and if that be so the opposite parties shall proceed with the matter in accordance with law."

The following were present during the meeting:

1. Prof. V.N Rajasekharan Pillai, Chairman, DEC
2. Prof. K.R. Srivathsan, PVC, IGNOU
3. Mr. R.K. Ahelleya, GM Finance, MCL, Sambhalpur, Orissa
4. Prof. H.C. Rai, Advisor, AICTE, New Delhi
5. Mr. S.C. Chadha, Deputy Secretary, UGC, New Delhi
6. Prof. Manjulika Srivastava, Director, DEC
7. Dr. Bharat Bhushan, Deputy Director, DEC

The Chairman, Prof. Rajasekharan Pillai welcomed all the members and invited them to deliberate on the issue of recognition of degrees and diplomas awarded by universities and institutions in general and JRN Rajasthan Vidyapeeth Deemed University in particular.

The Director, DEC apprised the members of the following facts:

1. The Distance Education Council (DEC), was established in 1991 under section 16(7) read with section 5(2) of the IGNOU Act, 1985. As per clause (2) (a) of the statute 28, the DEC is responsible for the promotion, coordination and maintenance of standards in the Open and Distance Learning system in the country.
2. As per clause 4(a) xviii the DEC is empowered "to take such measures as are necessary, consistent with the objects of the University to provide an innovative, flexible and open system of University education, for the promotion, including introduction and continuation, of courses and programmes which conform to the standards prescribed by the DEC, to maintain such standards in the institutions offering distance education programmes and to prevent, through such measures as are considered appropriate, institutions from offering courses and programmes which do not conform to the standards laid down by the Council."
3. As per the Gazette Notification the 1st March, 1995 No. 44, F. No. 18-15/93-TD, V/TS.IV- on the recommendation of the board of assessment for educational qualifications, the Government of India has decided that all the qualifications awarded through Distance Education by the Universities established by an Act of Parliament or State Legislature, Institutions Deemed, to be Universities under Section 3 of the UGC Act, 1956 and Institutions of National Importance declared under an Act of Parliament stand automatically recognized for the purpose of employment to posts and services under the Central

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Government, provided it has been approved by Distance Education Council, IGNOU and wherever necessary by All India Council for Technical Education, New Delhi'. (See F/A)

4. Since May 10th, 2007 the DEC policy pertaining to recognition given to ODL Institutions has been governed by the MoU between the three apex bodies namely UGC-AICTE & DEC. Through this MoU it has been made possible to accord recognition to an ODL Institutions through a single window by three apex bodies of the country (copy of MoU placed at F/B). It was decided in the third meeting of the Joint Committee held on 07.08.07 that provisional recognition may be given to Universities/ Institutions who apply to DEC for offering programmes through distance education mode. Provisional recognition should accorded to Institutions that satisfy the minimum criteria prescribed by DEC for starting or for offering programmes in distance mode. Provisional recognition certifies or provides the authority to offer programmes in distance mode and that all programmes are to be approved by the statutory bodies of the university and also by other regulatory bodies in the country, wherever required. Further it is the responsibility of the Institution concerned to take such approvals.

Provisional Recognition is an interim measure provided to the institutions for a period of one year that is 2007-08 only.

In this connection it was reported that as per the decision of the third meeting of the Joint Committee held on 07.08.07 (See F/C) JRN Rajasthan Vidyapeeth, was also accorded provisional recognition by the DEC for a period of one year i.e. 2007-08, based on the recommendations of the Committee constituted by the Chairman DEC (copy of the application submitted by the institution and the report of the Committee submitted to Chairman, DEC is placed opposite at F/D and F/E respectively), and this provisional recognition has been extended till the Committee visits the institution for recommending regular recognition to the institution and its programmes. The Chairman, DEC has constituted a committee which will be visiting the institution shortly. The committee includes nominees from UGC, AICTE and DEC. Based on the recommendations of the Committee a decision will be taken with regard to the recognition status of the institution and also the programmes that it will be allowed to offer through distance mode by the three apex bodies.

The members were also informed that it is mandatory for all ODL Institutions to apply to DEC for regular recognition of their Institution as well as their programmes offered through distance mode. The regular recognition is valid for a minimum period of 3 years and a maximum period of 5 years.

5. Further JRN Rajasthan Vidyapeeth had also applied for post facto recognition for its programmes vide the letter no. 2365 dt. no. 15th June, 2007, which was accorded by DEC based on the recommendations of the Committee constituted by the Chairman, DEC. And in the same meeting of the Joint Committee held on 07.08.07 the post facto recognition was accorded from 2001 to August, 2005 which includes the diploma programmes in Mechanical, Electrical, Electronics offered by JRN Rajasthan Vidyapeeth through distance mode. The copy of the above letter as well as the minutes of the meeting is enclosed for ready reference (See F/F and F/G). The Director DEC stated that the institution was not accorded post facto recognition for the period Sep., 2005 to June, 2007 as the UGC had banned the university from offering programmes through distance mode during this period. "

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As already intimated to DEC vide UGC letter no. 1-8/2007 (CPP-1) dt 12.05.08 (See F/I), UGC nominee mentioned that the approval granted by Distance Education Council (including ex-post-facto) must be reviewed and the approval should be granted to the courses and not to the institute. Distance Education Council has also been requested to give approval strictly as per the provisions contained in the MoU signed between UGC, AICTE and DEC. The relevant clause of the MoU is reproduced as under:

"Based on the recommendations of Joint Committee, the letter of approval may be issued by the Joint Committee. The letter should explicitly state: This has the approval of UGC, AICTE and DEC. The letter should be jointly signed by Secretary, UGC, Member Secretary, AICTE and Director, DEC".

He further stated that UGC has not received any approval of courses by Joint Committee as per above provisions contained in the MoU till today. "

The Director, DEC informed the DEC is in conformity with the UGC stand. She mentioned that action has already been taken in this regard that hereafter in addition to institutional recognition DEC will also specify the programmes for which the recognition has been given in the recognition letter issued to the university or institution. She also informed the members that the committee has been constituted and will be visiting JRN Rajasthan Vidyapeeth shortly in UGC and AICTE representative also members of this committee.

AICTE nominee informed that they have not recognised the diploma in engineering courses offered by JRN Rajasthan Vidyapeeth. Further the AICTE nominee informed the members that AICTE does not accord recognition to technical programmes offered through distance mode and till date they have not given any approval to start any technical programme through distance education. AICTE Council has recommended not to start any programme through distance education except MBA, MCA and DBM. "

The Director, DEC mentioned that as per the MHRD notification issued on 5th April, 2006 (See F/I) Universities including Deemed Universities do not require the prior approval of the AICTE for offering professional/technical programmes however they have to follow the norms and standards laid down by the AICTE. This has often been quoted in the meetings held with AICTE. With the constitution of the Joint Committee all professional and technical programmes offered through distance mode will be examined on case to case basis and the three apex bodies namely UGC-AICTE and DEC will specify the programmes for which recognition is being accorded by the three bodies.

In view of the above it may be concluded that the DEC has given institutional recognition to JRN Rajasthan Vidyapeeth for offering the programmes (approved by statutory bodies of the University) through distance mode. The recognition given by DEC for the degrees/diplomas to the students enrolled from 2001 to Aug 2005 is given under post facto recognition. Regular recognition to the institution and its programmes will be given finally on the recommendation/decision of the Joint Committee (UGC-AICTE & DEC) as decided in the last meeting of the Joint Committee meeting of the Chairpersons of the three apex bodies.

The meeting ended with a vote of thanks to the Chair.

Chairman, DEC

Approved

22 Annex-6

IN THE HIGH COURT OF ORISSA: CUTTACK

W.P.(C) No. 3524/2009

Aswini Kumar Das Adhikari and others

... *Petitioners.*

-Versus-

Chairman, Distance Education Council
and others.

... *Opposite Parties.*

**PRELIMINARY COUNTER AFFIDAVIT FILED BY THE
OPPOSITE PARTY NO. 1**

I, Dr. Suresh Kumar Tripathy, aged about 46 years, son of Sri C. Tripathy working as Regional Director, Indira Gandhi National Open University, Regional Centre, C/1, Institutional Area, Bhubaneswar 751013 do hereby solemnly affirm and state as follows.

1. That I am the Regional Director of IGNOU and duly authorized by the opposite party no.1 to swear this affidavit in this case on their behalf.
2. That the petitioner-students have filed this case seeking issuance of writ in the nature of mandamus or any other appropriate writ/writs, direction/directions, directing the present opposite parties to act in terms of approval of the UGC-AICTE-DEC Joint Committee as reflected in the letter dt.13.7.2007 issued by the UGC to Janardan Rai Nagar University under annexure-6 series and to further direct the Opp.Parties to accept the Diploma Certificate granted by opp.party no.4 to be valid and binding for all purposes and not to insist for any further approval or recognition to the certificate granted to the petitioner in view of the ex post facto approval granted to the University for the students like the petitioners who were admitted to various courses in the period 2001 to 2008 and for other reliefs.

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3. That this case is not maintainable in the eye of law against the Opp. Party no.1

4. That before giving reply to relevant assertions of the petitioner against the present opposite party it is necessary to give a brief description of the establishment, object, background and network of the Indira Gandhi National Open University (IGNOU) which will enable this Hon'ble court to appreciate the entire scenario of the case in its proper perspective.

5. The IGNOU is a creation of the Parliament. It was established in the year 1985 with an object to overcome the difficulties generally faced by the learners in a conventional university. In a conventional university there is rigidity of system requiring attendance in classroom, inflexible curriculum and less relevant to the need of the learner and so on. The IGNOU provides various kinds of educational programmes through distance mode of education. Though a diversity of means, including the utilization of modern communication technology, the distance education can provide more flexible and open learning programmes that will suit to the needs of various categories of learners.

The system of teaching is unlike the conventional one, and is distance mode to meet the continuing needs of the learners. It functions in co-operation with the existing Universities and Institutions of higher learning and make full use of the latest scientific knowledge and new educational technology to offer a high quality of education which matches contemporary needs.

6. That for promotion of distance education and determination of standard of teaching, evaluation and research a Council viz. the Distance Education Council (DEC) was established in the year 1991 and was declared by the Act as an authority u/s 16(7) of the Act and became Statute 28. This was made by

Importance stand automatically recognized for the purpose of employment to posts and services under the Central Govt. if such institution has been approved by DEC. On such recommendation of the Board of Assessment for Educational Qualifications, the Central Govt. came up with Notification no. 44 dated 1.03.1995 circulated to all most all the authorities for information and duly published in the Gazette. A copy of the notification dt. 1.03.1995 is filed herewith as ANNEXURE-C/1

7. An institute is granted "Deemed to be University" status based on its existing or de-novo programmes. These institutes are required to maintain the standard worthy for the Deemed Universities even for the programmes they start or introduce after getting the status of 'deemed to be university'. The institute is also required to obtain requisite approvals/permission from the concerned statutory authority for running their programmes including those, which are offered through distance mode.

7.1 The Universities may award degrees to the candidates, who have successfully completed their courses including those conducted through distance education mode at their own centers in different parts of the country and not through "Franchise" with the approval of UGC. It cannot be construed that a blanket power had been conferred to the institutions declared as deemed to be universities to conduct distance education programmes throughout the country in the manner they wish to do. The Distance Education Council was created through a provision in Indira Gandhi National Open University (IGNOU) Act, to coordinate and maintain standards of distance education.

8. That it is relevant to state and submit here that in order to fulfill its obligations of maintaining good standard of education, three statutory bodies such as UGC, All India Council For Technical Education(AICTE) and DEC issued a letter jointly on 13.5.2003 to different Head of Institutions

cautioning them on the deterioration in standards in education by grant of franchise by some Universities. The DEC also individually approached all the universities and institutions to submit their distance education programme for assessment of their quality. Thus all possible efforts were taken in exercise of powers conferred on the DEC to maintain standard of education in distance mode. A copy of the aforesaid letter dated 13.05.2003 is annexed to this counter affidavit as ANNEXURE-D/1.

9. That under this circumstance, when there is a categorical and specific precondition for prior approval of the DEC to run distance education programme, without complying the said formalities, as submitted above for opening, continuing and awarding certificates by the University using distance mode is null and void.

9.1 On 17.8.2001 the Registrar of the Deemed University-Opp.Party no.4 made an application to the Chairman DEC seeking permission to launch programmes through distance mode. A reply was given to the said request letter by the Director of the DEC on 26.9.2001 wherein he had clarified the position and sent a copy of the DEC guideline to be followed in establishing Distance Education Wing and development and design of the courses. A copy of the letter dated 26.9.2001 is annexed herewith as ANNEXURE-E/1

9.2 The deemed university-Opp. Party No.4 again made applications for approval of programmes through distance mode, on 1.8.2005 and 24.8.2005 which were answered in negative by the Deputy Director and the Director on 16.8.2005 and 13.12.2005 respectively. Copies of the letters dated 16.8.2005 and 13.12.2005 are filed herewith and collectively marked as ANNEXURE-F/1(SERIES).

9.3. In spite of fact that the application for approval of the deemed university-Opp. Party No.4 for distance education was rejected the deemed

university run distance education for which number of complaints seeking clarification on recognition/approval status of the programmes were received by the DEC from the individuals and organizations. In an attempt to answer on the complaints the DEC issued a notice/circular on 5.1.2006 clarifying that four universities do not have approval of the DEC. A copy of the notice dated 5.1.2006 is filed herewith as ANNEXURE-G/1

10. That since the Opp. Party No.4 didn't adhere to the various policy guide lines framed by the DEC and other Statutory Authorities on the subject and anticipating some coercive action by the authorities, number of writ applications were filed and are pending in this Hon'ble Court. One of such writ applications pending is W.P.(C) no.15163/05 filed by Orissa College of Engineering and Management.

10.1 However, subsequently taking everything into consideration specially the interest of the students, the DEC has granted one time post facto approval to the Opp. Party No. 4 on the recommendations of the joint committee of UGC-AICTE-DEC in Aug-2007 for the programmes (approved by statutory bodies of the University) offered through distance mode till 2005. The University-Opp. Party No.4 has also been accorded provisional recognition for one academic year i.e. from June 2007 to June 2008. Your humble deponent further submits that while according provisional recognition for the period from June 2007-2008, they are advised to submit fresh application in the prescribed format developed by DEC. The university had submitted the application of renewal of recognition, which is under process. Meanwhile, the university has been granted continuation of provisional recognition till such time an expert committee visits the University and submits its recommendations to the DEC. It is further relevant to submit here that the DEC has given institutional approval in place of programme approval for offering programmes through distance mode to above University. Therefore,

the DEC has not given any separate approval to any specific programmes offered by above University. Further, in case of technical/professional programmes offered by the University is concerned, wherever required, approval from the concerned apex bodies in the country is required to be obtained for which the responsibility vests with the university concerned.

In the mean while some persons filed a case bearing number W.P. (C) No. 15725/2008 with a prayer to direct the Opp. Parties not to take any action to cancel the process of selection. The Hon'ble Court passed the order on 16/04/09, relevant portion of which is quoted below

"----- In view of such, there being disputed question of fact regarding the authenticity and validity of the certificate issued by the University in question in favour of the petitioner, the same cannot be resolved in a proceeding under Article-226 of the constitution of India. However, we direct that the Opp. Parties shall form a High Level Committee consisting of one of the officers of the Management of MCL and one of the representatives of the AICTE, DEC & UGC as members and the director DEC as the Chairman, and inquire into the matter in order to find out if the certificate issued by UGC, AICTE & Distance Education Council are correct, Genuine and acceptable and if that be so the Opp. Parties shall proceed with the matter in accordance with law....."

Accordingly a high level committee was formed and on 04/06/09 the meeting was held on the issue of recommendation of diplomas awarded by the University. It was resolved therein *"In view of the above it may be concluded that the DEC has given institution recognition to JRN Rajasthan Vidyapith for offering the programmes (approved by statutory bodies of the University) through distance mode. The recognition given by the DEC for the*

degrees/diplomas to the students enrolled from 2001 to Aug, 2005 is given under post facto recognition. Regular recognition to the institution and its programmes will be given finally on the recommendations/decision of the joint committee (UGC-AICTE & DEC) as decided in the last meeting of the joint committee meeting of the chair persons of the three apex bodies".

10/2 Your humble deponent further submits that as per the Govt. of India Gazette notification no.44 dt.1.3.1995 ".....all the qualification awarded through Distance Education by the University established by an Act of Parliament or State Legislature, Institutions Deemed to be Universities under section 3 of the UGC Act, 1956 and Institutions of National Importance declared under an Act of Parliament stand automatically recognized for the purpose of employment to posts and services under the Central Government provided it has been approved by Distance Education Council,....."

10/3 Therefore, it is humbly submitted that once the institute/university has been recognized by DEC it is obvious that degrees and diplomas awarded by the concerned institute/university are recognized for employment and further education in central government provided that the institute/university concerned has taken necessary approvals from the concerned statutory bodies in the country, wherever required.

10.4 It is further humbly submitted that the action of the DEC in granting post facto approval and /or continuation of Recognition till a particular period of the University and issuance of Certificate on completion of a programme by the University can't be the subject matter of the present writ application. Moreover, any action taken thereon i.e. the issuance of the certificate can't be ascribed to or faulted with the Opp. Party No.1 and they are not in a position to give any comment on the genuineness or the authenticity of the certificates in question.

11. Now your humble deponent seeks leave of the Court to give their parawise reply to the various assertions made in the writ application.

11.1 In reply to the contentions made in para-1 it is humbly submitted that it is false to submit that the DEC has ever rejected the certificate in question.

11.2 In reply to the contentions made in para-2, 3, 4 and 5 it is humbly submitted that the same are based on record and need no comment.

11.3 In reply to the contentions made in para 6 it is humbly submitted that the Opp. Party No.4 is the appropriate authority to submit on the same.

11.4 In reply to the contentions made in para-8 and 9 it is humbly submitted that the reply has already been given earlier and therefore, need not be repeated.

11.5 In reply to the contentions made in para-10 it is humbly submitted that the said statements are bald, not specific and therefore, need no reply.

11.6 In reply to the contentions made in paras 11 and 12 it is humbly submitted that the same are redundant and irrelevant so far as the Opp. Party no.1 is concerned since the Opp. Party No.4 is the appropriate authority to submit on the authenticity of the certificates in question.

11.7 In reply to the contentions made in paras 13 and 14 it is humbly submitted that the deponent has already clarified its stand on the subject earlier.

11.8 In reply to the contentions made in paras 15 and 16 it is humbly submitted the deponent is unable to give its comment on the subject.

12. That in view of the above submissions the relief as sought for is liable to be rejected so far as Opp. Party No.1 is concerned specially in the pretext

that ex-post facto approval is/was given to the University for the period from 2001 to Aug-2005.

13. That the facts stated above are true to my knowledge and based on information received from the opposite party no. 1 and records.

Identified by

Advocate

Suresh Kumar Tripathi

Regional Director
IGNOU Regional Centre
C-1, ...
Enubar ... 013

CERTIFICATE

Certified that due to want of cartridge papers this affidavit is typed on thick white papers.

Advocate



Advertisment 10.6.2011

31. Annex - 7/1/2011

NESCO, WESCO & SOUTHCO
 Registered Office, Plot No. N1/22, Nayapalli, Bhubaneswar-751015
 Electricity Distribution Companies are looking for personnel for the following posts.

A. ENGINEERING

Sl No	Name of post & pay scale	Essential Qualification	Min. Years of Relevant Post Qualification Experience	Maximum Age limit as on 01.06.11	Tentative no. of Post(s)
01	Graduate Engg. Trainee (GET)	Degree in Electrical Engineering with minimum 60% marks.	NIL	28 Years	60

B. FINANCE

Sl No	Name of post & pay scale	Essential Qualification	Relevant Post Qualification Experience	Maximum Age limit as on 01.06.11	no. of Post (s)
01	General Manager (Fin.) (Rs. 37,400-67,000)	CA/ICWA	18 Years	51 Years	03
02	Asst. Manager (Fin.) (Rs 9,300-34,800)	CA/ICWA	01 Year	33 Years	15
03	Management Trainee (Fin.)		Nil	32 years	

C. HUMAN RESOURCE DEVELOPMENT

Sl No	Name of post & pay scale	Essential Qualification	Min. Years of Relevant Post Qualification Experience	Maximum Age limit as on 01.06.11	Tentative no. of Post (s)
		Post Graduate Degree/ Diploma of two years duration			

03

	(full time) in PM & IR and welfare/ HRD/ HRM/ MBA with specialization in HRD or Personnel from recognized institute with minimum 50% marks.		
01	Management Trainee (HRD)	NIL	32 Years

Note: In addition to the Basic and Grade Pay, DA and other allowances are admissible as per Company Rules

Departmental Candidates: Departmental Candidates meeting the criteria may submit their applications online, followed by submission of hard copy of application obtained from the system through proper channel. There shall be no age bar applicable to them.

OTHER ELIGIBILITY CRITERIA, GENERAL CONDITIONS AND INSTRUCTIONS:

1. For the posts advertised relevant qualifications must have been awarded and recognized by the Competent Authority. Wherever CGPA/OGPA is awarded, equivalent percentage of marks should be indicated in the application as per the norms adopted by University/ Institution/ AICTE as the case may be.
2. For post at Sl. No A.1, B.3 and C.1, selected candidates shall be appointed as Graduate Engineer Trainee (GET)/ Management Trainee (Finance)/ Management Trainee (HR) for a period of 01 year with a consolidated stipend of Rs. 12,000/- per month. On successful completion of training and appraisal by a Committee, Graduate Engineer Trainee/ Management Trainee (MT) shall be considered for absorption

in the E-3 grade in the pay scale of 9,300-34,800.

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3. The selected candidates at the time of joining will be required to sign a Training and Service Bond on a Non-Judicial Stamp Paper to serve in the Company for a minimum period of two years after successful completion of training.
4. Candidates having experience in Power Sector will be given preference. Higher increments may be considered for deserving candidates at the discretion of the Management.
5. Pass in Oriya language test equivalent to MTE standard is essential. Alternatively the candidate has to pass the requisite language test in Oriya within one year of appointment.
6. Computer proficiency is essential for the above post(s).
7. Only Short listed candidates who are found eligible based on online application data will be called for test and/ or interview, as the case may be.
8. Candidature of the applicant is liable to be rejected at any stage of the recruitment process or after recruitment or joining, if any information provided by the candidate is found to be false / suppressed or is not found in conformity with eligibility criteria mentioned in the advertisement.
9. The Management reserves the right to relax eligibility criteria and short-list candidates for selection process. It also reserves the right to fill or not to fill up any of the above positions without assigning any reason whatsoever.
10. The application should be submitted online followed by submission of downloaded hard copy along with all documents and the prescribed fee. Non receipt of hard copy along with requisite documents and prescribed fee will disqualify the candidature.
11. The prescribed qualification/ experience are the minimum and mere possession of the same and submission of application does not entitle a candidate for test and/ or interview. Management's decision is final in this regard.
12. The number of vacancies mentioned above are tentative and is subject to variation depending upon company's need and exigencies.

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13. Applications incomplete and /or received after due date shall be summarily rejected.
14. Any type of canvassing is liable to rejection / disqualification of the candidature.
15. The Management will not be responsible for non receipt of online application due to fault/ error in electronic/ technical device and non receipt of hard copy of application due to postal delay.
16. The last date of submission of application on line is 02.07.2011. The hard copy of application along with demand draft and other requisite documents should reach at the above address on or before 12.07.2011

17 How To Apply

I. Candidates are required to apply on line by going through following steps:

Step.I Fill up carefully the particulars in the prescribed Application Form available on website.

Step.II Check correctness of the data entered in the Application Form by clicking on preview button.

Step.III A) If it needs editing, click edit button for correction.

B) If entry is correct, then press Submit Resume

Step.IV System generates an ID number on the Screen, which the candidate is to take note of for future reference.

Step.V Take the print-out of the filled-in application and send it along with a demand draft of Rs 200/- (Two hundred rupees only) from any Nationalized Bank as non refundable application processing fee issued in favor of NESCO Ltd Payable at Bhubaneswar and all the relevant attested documents (certificates and mark sheets from 10th class onwards, Experience proof and a recent pass-port size photograph) to "DGM (HRD)" at the above address by Registered Post/ Speed Post only superscribing on the envelope the post applied for and the ID No.

Candidate applying for more than one post need to submit separate application for each post.

Annane-8/2/2011

	Welcome to Orissadiscoms.com !!!
Online Application Form	

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Post Applied For: **Graduate Engg. Trainee**
 Registration No. (ID No.) **GET00101020110623**
 Category Of candidate: Departmental Candidate
 Company: NESCO



Contact Details

First Name: ASHWANI
 Middle Name: KUMAR
 Last Name: DASADHIKARI
 Gender: Male
 Father's Name: RABINARAYANA DASADHIKARI
 Date of Birth: 13-05-1980
 Age: 31:Years 0:Months 18:Days
 Nationality: Indian
 Marital Status: Married
 Address(Permanent): AT- DAMODARPUR,BC DUTTA LANE PO-
 MOTIGANJ DIST-BALASORE ODISHA
 Pin Code: 756003
 Mobile No: 09438700651
 Phone No: +91 06782- 252312
 E-Mail Address: ashwanidasadhikari@gmail.com
 Address(Correspondence): AT- DAMODARPUR,BC DUTTA LANE PO-
 MOTIGANJ DIST-BALASORE ODISHA
 Pin Code: 756003

Education Details:

Exam Passed	Year of Passing	University/ Board	Name of the Institution	% of Marks
HM	1994	B.S.E,ORISSA	S.S.H.S,MOTIGANJ,BLS	51
I.A	1999	C.H.S.E,ORISSA	D.M,KUNDALI,BLS	42
B.A	2002	F.M,UNIVERSITY	N.M,RUPSA,BLS	39
-	-	-	-	-
-	-	-	-	-

Professional Qualification Details:

Professional Qualification	Year of Passing	University/ Board	Name of the Institution	% of Marks
PG Degree in MBA with specialization in HRD	2008	F.M,UNIVERSITY	A.B.A,BLS	66
Degree in Electrical Engineering	2010	J.R.N.RAJASTHAN VIDYAPEETH UNIVERSITY	J.R.N.RAJASTHAN VIDYAPEETH UNIVERSITY	70
-	-	-	-	-
-	-	-	-	-
DIPLOMA IN SOFTWARE TECHNOLOGY	2007	C.M.C.LIMITED	C.M.C,BLS	75
-	-	-	-	-

ne.....

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Working Experience:

Experience	Years	Months			
Total Experience:	6	9			
Experience In Power Sector:	6	9			
Name	Address	From Date	To Date	Designation	Salary
BALASORE ELECTRICAL DIVISION BALASORE UNDER NESCO	BALASORE	Starting from	(Present Job)	TRAINEE TECHNICIAN	2000
BALASORE ELECTRICAL DIVISION BALASORE UNDER NESCO	BALASORE	05/10/06	11/05/10	JUNIOR TECHNICIAN	12581
BALASORE ELECTRICAL DIVISION BALASORE UNDER NESCO	BALASORE	12/05/10	CONTINUE	LINEMAN-C	15623
-	-	-	-	-	-
-	-	-	-	-	-
-	-	-	-	-	-

Demand Draft Details:

DDNo	Amount(Rs)	Date of Issue	Drawee Bank
852428	200	13/06/11	State Bank of India

Are You willing to serve any where in Orissa: NO

Have you ever been proceeded against under any civil or criminal statutes: NO

Does there exist any pending case(s) against you or any legal action is proposed to be initiated against you. NO

I hereby declare that all statements made herein above are true, complete and correct and are not misleading. I understand that in the event of any information so furnished being found suppressed or false or incorrect or misleading, the Management shall be at liberty to terminate me (if selected and appointed) besides proceeding against me for giving false and incorrect statement under appropriate law.

Date: 23/06/2011

Ashwani K. Dasathirani
Signature of the Candidate

By Speed Post

पिन: 311001, 311001, 311001, 311001
311001, 311001, 311001, 311001



विश्वविद्यालय अ-युक्त समूह
बालपुरशाह जवाहर मार्ग
नई दिल्ली-110 002
UNIVERSITY GRANTS COMMISSION
BALADURSHAH ZAFAR MARG
NEW DELHI-110 002

No F. 8-3 (Centre)/2003 (CPP-1)

November, 2007

✓ The Vice - Chancellor,
Janardan Rai Nagar Rajasthan Vidyapeeth
(Deemed University)
Pratapnagar,
Udaipur - 313 001,
Rajasthan.

13 NOV 2007

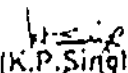
Subject: Courses under Distance mode - regarding.

Sir,

With reference to your proposal on the subject cited above, I am directed to inform you that the Commission has noted that DEC, a statutory council to regulate distance education, has already conveyed the approval (ex-post-facto as well provisional approval for the year 2007-2008) to certain courses run by your University under distance mode based on the approval of the UGC-AICTE-DEC Joint Committee. Therefore, no separate approval from UGC is required for the same. You are requested to send list of the courses (year-wise) run by the Deemed University under distance mode as approved by the Joint Committee.

This issues with the approval of Chairman, UGC

Yours faithfully


(K.P. Singh)
Joint Secretary

IN THE HIGH COURT OF ORISSA :: CUTTACK

Misc. Case No. ¹⁴¹²⁵ of 2011
(Arising out of W.P.(C) No. ²⁴⁶¹¹ of 2011)

IN THE MATTER OF :

An application for appropriate orders under
Chapter-VI Rule 27-A of Orissa High Court Rules;

A N D

IN THE MATTER OF :

Aswini Das Adhikari Petitioner
Versus

State of Orissa and others opposite parties

To

The Hon'ble Mr.V.Gopala Gowda, B.Sc., LL.B., the
Chief Justice of Orissa High Court and His
Lordships Companion Justices of the said Hon'ble
Court.

The humble petition of the
Petitioner, named above ;

Most Respectfully Sheweth ;

1. That the petitioner, who is at present working as Line Man under opposite party No.2,3 and 4 files this writ application challenging the action of the opposite parties particularly opposite party No.4 in rejecting the application of the petitioner for the post of Graduate Engineer Trainee (GET) pursuant to the advertisement made in "The Samaj" as well as in "the New

Indian Express" dated 10.06.2011 solely on the ground that the petitioner submitted a degree qualification of Electrical Engineering obtained from a University which is not recognised.

2. That the petitioner has a fair chance of success as can be seen from a bare perusal of the writ application and the averments made in the writ application may be read as a part and parcel of this miscellaneous application in order to avoid repetition and for brevity.

3. That it is now understood that the opposite parties are taking hasty step to some how to fill up the vacant post of Graduate Engineer Trainee ignoring the candidature of the petitioner solely on the ground that the certificate granted by the Deemed University is not acceptable.

4. That it is further learnt that the interview is scheduled to be held on 18.09.2011 and the petitioner has not been called to the above interview. If such interview is held and the petitioner is not called to the interview, he will suffer irreparable loss and injury.

5. That it is respectfully submitted that the application of the petitioner was processed and online registration number was assigned to him, but due to such arbitrary action the opposite parties are depriving the petitioner of getting promotion to the post of Graduate Engineer Trainee.

6. That under these facts and circumstances, it is necessary in the interest of justice to pass appropriate orders directing the opposite parties to keep one post of Graduate Engineer Trainee vacant and no action be taken pursuant to the advertisement dated 10.06.2011 for the post of Graduate Engineer Trainee, pending disposal of the writ application.

PRAYER

It is therefore, most humbly prayed that this Hon'ble Court be graciously pleased to pass appropriate orders directing the opposite parties to keep one post of Graduate Engineer Trainee vacant and no action be taken pursuant to the advertisement dated 10.06.2011 under Annexure ~~7~~ for the post of Graduate Engineer Trainee, pending disposal of the writ application.

And for this act of kindness, the petitioner shall as in duty bound ever pray.

BY THE PETITIONER THROUGH

CUTTACK

DT. 09.11

ADVOCATE

AFFIDAVIT

I, Aswini Das Adhikari, aged about 32 years, son of Rabinarayan Das Adhikari of Damodarpur, B.C.Dutta Lane, P.O.: Motiganj, District: Balasore, at present working as Line Man-C, Office of the No.2-Electrical Section, Sunhat under Balasore Electrical Division, District: Balasore, do hereby solemnly affirm and state as follows:

1. That I am the petitioner in the present application.
2. That the facts stated in the writ application as well as in the affidavit are true to my knowledge and belief.

INDEITIFIED BY**A.C.**

Aswini Das Adhikari
Deponent

Certified that due to non-availability of cartridge papers this petition has been typed in thick blue papers.

ADVOCATE