

Yuvraj Singh Vs. Union of India and ors

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Court : Delhi

Decided On : Nov-26-2012

Judge : Pradeep Nandrajog

Appellant : Yuvraj Singh

Respondent : Union of India and ors

Judgement :

\$~ 3, 8, 11-15 * IN THE HIGH COURT OF DELHI AT NEW DELHI % Judgment Reserved on: November 22, 2012 Judgment Pronounced on: November 26, 2012 + W.P.(C) 6100/2012 & CM No.16465/2012 MS. NISHA Represented by: Advocates. Petitioner Mr.S.S.Pandey, and Mr.H.S.Tewari, versus UNION OF INDIA AND OTHERS Respondents Represented by: Mr.Ankur Chibber, Mr.Anil Gautam, Mr.Aditya Malhotra and Mr.MP Singh, Advocates for UOI. Mr.Amitesh Kumar, Advocate for AICTE. AND W.P.(C) 6185/2012 & CM No.16618/2012 MS. SONAM DUBEY Represented by: Petitioner Mr.K.Ramesh, Advocate with Ms. R.Archana, Advocate. versus UNION OF INDIA AND ORS Respondents Represented by: Mr.Ankur Chibber, Mr.Anil Gautam, Mr.Aditya Malhotra and Mr.MP Singh, Advocates for UOI. AND W.P.(C) 6186/2012 & CM No.16620/2012 MS. VANDANA Represented by: Petitioner Mr.K.Ramesh, Advocate with Ms.R.Archana, Advocate. versus UNION OF INDIA AND ORS Respondents Represented by: Mr.Ankur Chibber, Mr.Aditya Malhotra and Mr.MP Singh, Advocates for UOI. Mr.Mayank Manish, Adv. with Mr. Amitesh Kumar, Advocate for AICTE. AND W.P.(C) 6187/2012 & CM

No.16622/2012 YUVRAJ SINGH Represented by: Petitioner Mr.S.S.Pandey, Advocate. versus UNION OF INDIA AND ORS Respondents Represented by: Mr.Ankur Chibber, Mr.Anil Gautam, Mr.Aditya Malhotra and Mr.MP Singh, Advocates for UOI. Mr.Mayank Manish, Adv. with Mr. Amitesh Kumar, Advocate for AICTE. AND W.P.(C) 6487/2012 & CM No.17205/2012 DINESH KUMAR Represented by: Petitioner Mr.S.S.Pandey, Advocate. versus UNION OF INDIA AND ORS Respondents Represented by: Mr.Ankur Chibber, Mr.Anil Gautam, Mr.Aditya Malhotra and Mr.MP Singh, Advocates for UOI. AND W.P.(C) 7237/2012 & CM No.18665/2012 MS. PALLAVI BISHNOI Represented by: Petitioner Mr.S.S.Pandey, Advocate. versus UNION OF INDIA AND ORS Respondents Represented by: Mr. Ankur Chibber, Mr.Aditya Malhotra and Mr.MP Singh, Advocates for UOI. AND W.P.(C) 4722/2012 AISHVERYA RANJAN Represented by: Petitioner Mr.S.S.Pandey, Advocate. versus UNION OF INDIA AND ORS Respondents Represented by: Mr.Ankur Chibber, Mr.Anil Gautam, Mr.Aditya Malhotra and Mr.MP Singh, Advocates for UOI. Mr.Ashwani K.Dubey, Advocate for R-4 with Mr.Sambhav Srivastava, Section Officer, Equivalence Division, Association of Indian University. CORAM: HON'BLE MR. JUSTICE PRADEEP NANDRAJOG HON'BLE MR. JUSTICE MANMOHAN SINGH PRADEEP NANDRAJOG, J.

1. The writ petitioners of WP(C) No.6100/2012 (Nisha), WP(C) No.6185/2012 (Sonam), WP(C) No.6186/2012 (Vandana) and WP(C) No.7237/2012 (Pallavi) have a degree in B.Tech. ELECTRICAL AND ELECTRONICS from recognized universities and claim that the degree is equivalent to the degree B.Tech. ELECTRICAL.

2. The writ petitioners of WP(C) No.4722/2012 (Aishverya Ranjan) and WP(C) No.6187/2012 (Yuvaraj Singh) have a degree in B.Tech. INFORMATION TECHNOLOGY from recognized universities and claim that the degree is equivalent to the degree B.Tech. COMPUTER SCIENCE.

3. Dinesh Kumar the writ petitioner of WP(C) No.6487/2012 has a degree in B.Tech. INSTRUMENTATION AND CONTROL from a recognized university and claims equivalence with the degree B.Tech. ELECTRONIC AND

INSTRUMENTATION.

4. Responding to advertisements issued by the Indian Army and published in the Employment News, the writ petitioners submitted online applications by availing the drop down facility from the website of the Indian Army, meaning thereby that the form of the application in PDF format could be filled up online without altering any columns but only filling up relevant information against the different columns; and all of them successfully cleared the selection process, which includes the Physical Endurance Test; but find themselves without letters offering appointment being issued.

5. Since the writ petitioners were claiming equivalence and apart from the argument that the proof of a pudding lies in the eating; highlighting that the respondents had indicated its requirement for eligible candidates having degree in B.Tech. ELECTRICAL, B.Tech. COMPUTER SCIENCE and B.Tech. ELECTRONIC AND INSTRUMENTATION respectively, from which one could safely conclude that the selection test was geared to determine the merit of the candidates in the said branch; and the petitioners having come out with flying colours would be proof that the degrees they possess are equivalent to what the respondents want, we had firstly required the Association of Indian Universities to enrich us with their opinion with reference to the case of Aishverya Ranjan i.e. render an opinion to us whether degree in B.Tech. INFORMATION TECHNOLOGY obtained by Aishverya Ranjan was equivalent to the degree of B.Tech. COMPUTER SCIENCE but were pained to note that the Association of Indian Universities, under signatures of its Section Officer (Evaluation) Shri Sambhav Srivastava, gave an opinion that the two degrees are equivalent, and with reference to his certificate when called upon to give clarifications in Court, as recorded in the order dated September 12, 2012, stated that he has issued the certificate simply incorporating the opinion of Prof.A.K.Mehrotra, the director of Shri Ramswaroop Memorial Group of Professional Colleges affiliated to G.B.Technical University.

6. We were pained at the fact that a body admittedly recognized (and for which learned counsel for the respondents made the statement) to certify on issue of

equivalence of degrees awarded by different universities for purpose of further academic studies had rendered an opinion which was so callous.

7. While issuing notice in WP(C) No.6100/2012 filed by Ms.Nisha, we had noted that with the proliferation of privatization in education and the need to have course curriculum commensurate to the needs of the growing industry one finds a perceptible shift from the hithertofore regimented courses to inter-disciplinary courses, having mixed and merged subjects, taught in the universities both private as also universities established by the States and the Centre. We had noted large number of writ petitions being filed by young children, who having obtained degrees, were facing problems with respect to the classification of the degree obtained by them and thus had issued a notice to the learned Additional Solicitor General of India to help us in resolving the issue. We had also sought assistance from the All India Council for Technical Education to guide us for the reason learned Additional Solicitor General informed us that relating to diplomas/degrees in technical education on the subject of equivalence said body was competent to opine upon.

8. As recorded in the order dated October 12, 2012 in WP(C) No.6100/2012, Dr.Yashpal Singh, Director (Planning and Policy) AICTE assured this Court that AICTE would submit a report within 10 days on the subject whether B.Tech. ELECTRICAL AND ELECTRONICS degree is equivalent to a B.Tech. ELECTRICAL degree; a degree in B.Tech. INFORMATION TECHNOLOGY is equivalent to a degree in B.Tech. COMPUTER SCIENCE; and a degree in B.Tech. INSTRUMENTATION AND CONTROL is equivalent to a degree in B.Tech. ELECTRONIC AND INSTRUMENTATION.

9. A two member committee comprising Dr.Y.B.Joshi, Director Walchand College of Engineering, Sangli and Prof.D.V.L.N.Somayajulu, Professor of Computer Science and Engineering, NIT, Warangal, A.P. was constituted by AICTE and has opined that the degree of B.Tech. ELECTRICAL AND ELECTRONICS is not equivalent to the B.Tech. ELECTRICAL degree but the degree in B.Tech. INSTRUMENTATION AND CONTROL is equivalent to the degree B.Tech. ELECTRONICS AND INSTRUMENTATION and that the degree in B.Tech.

INFORMATION TECHNOLOGY is equivalent to the degree B.Tech. COMPUTER SCIENCE.

10. In rendering the opinion, the report of the two member committee would indicate, that the learned professors have acted as mechanists and not as analysts. They have mechanically compared the syllabus and course contents of the two courses of which equivalence was to be opined upon, and wherever complete identity in syllabus and course contents have been found, it has been opined that the two courses are equivalent.

11. The aforesaid is evident from the fact that the committee has opined on the subject of equivalence of the degree B.Tech INSTRUMENTATION AND CONTROL with B.Tech. ELECTRONICS AND INSTRUMENTATION in the following words:1. a. Syllabus and Course contents of B.Tech. Instrumentation and Control Engineering degree of G.B. Technical University, Lucknow is same as B.Tech. Electronics and Instrumentation Engineering degree of G.B. Technical University, Lucknow. b. Therefore, B.Tech. Instrumentation and Control Engineering degree of G.B. Technical University, Lucknow is equivalent to B.Tech. Electronics and Instrumentation Engineering degree of G.B. Technical University, Lucknow.

2. a. Syllabus and Course content of B.Tech. Instrumentation and Control Engineering degree of M.D. University, Rohtak is same as B.Tech. Electronics and Instrumentation Engineering degree of M.D. University, Rohtak. b.

12. Therefore, B.Tech. Instrumentation and Control Engineering degree of M.D. University, Rohtak is equivalent to B.Tech. Electronics and Instrumentation Engineering degree of M.D. University, Rohtak. Similarly, pertaining to the degree B.Tech. INFORMATION TECHNOLOGY and B.Tech. COMPUTER SCIENCE, the opinion is as under:1. a. Syllabus for first two years is common for both the programmes; Electives I and II are also common for both the programmes; Out of four subjects listed in Electives III listed in CSE and IT, three are common and Out of four subjects listed in Electives IV in CSE and IT, only one course is different; Out of four labs listed in Elective III laboratory in CSE and IT, only one laboratory is different; Systems programming course is offered in CSE but not in IT;

Information and ERP system is offered in IT but not in CSE; Some courses offered as electives in IT and the same are offered as core for CSE and vice versa. b. Based on the above observations B.Tech. Information Technology degree of Mangalayatan University, Aligarh (UP) is equivalent to B.Tech. Computer Science Engineering degree of Mangalayatan University, Aligarh (UP).

13. As regards the degree B.Tech. ELECTRICAL AND ELECTRONICS and the degree B.Tech. ELECTRICAL, the opinion reads as under:1. a. Syllabus and Course content for first year and second year of B.Tech. Electrical and Electronics Engineering degree of U.P.Technical University, Lucknow is same as B.Tech. Electrical Engineering degree of U.P.Technical University, Lucknow. b. There is 20% to 30% variation in Syllabus and Course content for third year and fourth year of B.Tech. Electrical and Electronics Engineering degree of U.P. Technical University, Lucknow and B.Tech. Electrical Engineering degree of U.P. Technical University, Lucknow and B.Tech. Electrical Engineering degree of U.P. Technical University, Lucknow. c.

14. Therefore, B.Tech. Electrical and Electronics Engineering degree of U.P.Technical University, Lucknow is not equivalent to B.Tech. Electrical Engineering degree of U.P.Technical University, Lucknow. It would be useful if we would put in a tabular form the course contents of the degree B.Tech. ELECTRICAL AND ELECTRONICS as also the degree B.Tech. ELECTRICAL, and for which we highlight the syllabus and the course contents of U.P.Technical University Uttrakhand at Dehradun. We have highlighted in bold print wherever the course content in a particular semester is different. The tabular chart is as under:

COURSE CURRICULUM FOR ELECTRICAL & ELECTRONICS ENGINEERING 1 st SEMESTER (1st Year)	COURSE CURRICULUM FOR ELECTRICAL ENGINEERING 1 st SEMESTER (1st Year)
Mathematics I Engg, Physics/Engg.Chemistry	Mathematics I Engg, Physics/Engg.Chemistry
Basic Technical Communication -I	Basic Technical Communication -I
Basic Electrical Engineering	Basic Electrical Engineering
Basic Mechanical Engineering	Basic Mechanical Engineering
Fundamental of Computer & Programming	Fundamental of Computer & Programming
Environmental Studies	Environmental Studies
PRACTICAL LABS	PRACTICAL LABS

PRACTICAL LABS Physics/Chemistry Physics/Chemistry Basic Electrical Basic
 Electrical Engineering/Mechanical Engineering Engineering/Mechanical
 Engineering Fundamental of Computer & Fundamental of Computer &
 Programming Programming WP(C)s No.6100, 6185, 6186, 6187, 6487, 4722 &
 7237/2012 Remarks Same Same Same Same Same Same Same Same Same
 Workshop Practice/Engineering Drawing Workshop Practice/Engineering Drawing
 2nd SEMESTER (1st Year) Mathematics-II Chemistry/Physics Advanced
 Technical Communication 2nd SEMESTER (1st Year) Mathematics-II
 Chemistry/Physics Advanced Technical Communication Basic Mechanical
 Engineering/Electrical Engineering Fundamentals of Electronic Engineering
 Environmental Studies Basic Mechanical Engineering/Electrical Engineering
 Fundamentals of Electronic Engineering Environmental Studies PRACTICAL
 LABS Chemistry/Physics Electrical Engg.Lab Basic Mechanical
 Engineering/Electrical Engineering Fundamentals of Electronic Engineering 3rd
 SEMESTER (3rd Year) Mathematics-III Network Analysis & Synthesis
 PRACTICAL LABS Chemistry/Physics Electrical Engg.Lab Basic Mechanical
 Engineering/Electrical Engineering Fundamentals of Electronic Engineering Pulse
 and Digital Electronics 3rd SEMESTER (3rd Year) Mathematics-III Network
 Analysis & Synthesis Electrical Measurements and Measuring Instruments Solid
 State Devices and Circuits Pulse and Digital Electronics PRACTICAL LABS.
 Network Lab. Electrical Measurement Lab. Analog & Digital Lab-1 PRACTICAL
 LABS. Network Lab. Electrical Measurement Lab. Analog & Digital Lab-1 4th
 SEMESTER (2nd Year) Electromechanical Energy Conversion-I 4th SEMESTER
 (2nd Year) Electromechanical Energy Conversion-I Electrical Measurements and
 Measuring Instruments Solid State Devices and Circuits WP(C)s No.6100, 6185,
 6186, 6187, 6487, 4722 & 7237/2012 Same Same Same Same Same Same
 Same Same Same Same Same Same Same Same Same Same Same Same
 Same Power Station Practice Electrical & Electronics Engineering Materials
 Microprocessors Electromagnetic Field Theory Power Station Practice Electrical &
 Electronics Engineering Materials Microprocessors Electromagnetic Field Theory
 PRACTICAL LABS. Electromechanical Energy Conversion-I Lab. Microprocessor
 Lab. Electrical Simulation Lab. PRACTICAL LABS. Electromechanical Energy
 Conversion-I Lab. Microprocessor Lab. Electrical Simulation Lab. 5th SEMESTER

(3RD Year) Electromechanical Energy Conversion-II System Engineering 5th SEMESTER (3RD Year) Electromechanical Energy Conversion-II Control System Applied & Electronic Instrumentation Applied Instrumentation Fundamental of Power System Elements of Power System Digital Signal Processing Concepts of Programming & OOPS Digital Signal Processing PRACTICAL LABS. EMEC-II Lab. PRACTICAL LABS. Electromechanical Energy Conversion-II Lab Transducers Lab Applied Instrumentation Lab Concepts of Programming & OOPS Lab. WP(C)s No.6100, 6185, 6186, 6187, 6487, 4722 & 7237/2012 Same Same Same Same Same Same Same Similar (Semester 6th) Course content is same Course content is the same Same Subject not related to Core Branch Same Subject matter of the practical is the same Not related to Branch th rd th rd 6 SEMESTER (3 Year) Power System Analysis Control System 6 SEMESTER (3 Year) Power System Analysis Control System Electrical Machine Design EMEC-I +EMEC-II Principles of Management Industrial Economics & Principles of Management Power Electronics Data Structures Using C++ Power Electronics Fundamentals of Computer Programming Same Same (semester 5th) Course content is the same Course content is the same Same Basic covered in 1st year. PRACTICAL LABS. Control System Lab. Power Electronics Lab Data Structures Using C++Lab. PRACTICAL LABS. Control System Lab. Same Power Electronics Lab Same Fundamentals of Computer Basic Programming Lab. covered in 1st year. 7th SEMESTER (4th Year) 7th SEMESTER (4th Year) Power System Operation and Control Power & Control in Power Same System Electric Drives Electrical Drives Same Neural Network and Fuzzy Logic Neural Network and Fuzzy Same Logic (Elective-I) Utilization of Electrical Energy and Utilization of Electrical Same Traction (Elective-I) Energy and Traction (Elective-I) PRACTICAL LABS. PRACTICAL LABS. Power System Lab Power System Lab Same Electric Drives Lab Electric Drives Lab Same Industrial Training Seminar Industrial Training Seminar Exam based on Industrial Training Minor Project Minor Project Students choice th th th th 8 SEMESTER(4 Year) 8 SEMESTER(4 Year) Instrumentation Control and Process Applied Instrumentation +Telemetry & Data Transmission EHV AC & DC Transmission High Voltage AC and DC Transmission (Elective) High Voltage Engineering (Elective-II) High Voltage Engineering Power Quality(Elective-III) Power Quality (Elective-III) PRACTICAL LABS.

Instrumentation Lab. Major Project 15. Covered in both subjects (semester 6th & 8th) Course content is same Same Same PRACTICAL LABS. Transducers Lab Similar +Telemetry Lab practicals (semester 6th & 8th) Major Project Depending on students Now, it would be apparent that the experts have acted as mechanists. The reason for their opinion has been culled by us in para 13 above. They have found complete parity in course curriculum in the 1st and the 2nd year i.e. the first four semesters and have found 20% to 30% variations in the syllabus and course curriculum in the 3 rd and 4th year. But, the experts have ignored that pertaining to the 5th semester whereas the writ petitioners had the second subject System Engineering and those who pursued the electrical course had the payer Control System, but that would be of no consequence inasmuch as the petitioners have studied Control System as a subject in their 6th semester. The next course of the 5th semester which is apparently different is that the petitioners have studied Applied & Electronic Instrumentation as against Applied Instrumentation by those who studied only Electrical. But the experts over looked the fact that the course content is the same. Similarly, the 3rd purported different subjects studied in the 5th semester, being, the petitioners studying Fundamental of Power System, students doing the Electrical course had the subject with the caption Fundamental of Power System, the experts over looked that the course content is the same. The experts further over looked that the petitioner did an additional paper of Concepts of Programming and OOPs, which the students doing the Electrical course did not study. The so called difference in the practicals, as highlighted hereinabove is just a different nomenclature of the same subject matter, and we note that the petitioners did three practicals as against only two by those who had the degree in Electricals. As regards the 6th semester, as noted hereinabove the difference is only in the nomenclature and not the course content. Similar is the position pertaining to two papers of 8th semester.

16. The experts have over looked the fact that the core subjects of ELECTRICAL ENGINEERING branch are : (a) (b) (c) (d) (e) (f) (g) Electromechanical Energy conversion-I Electromechanical Energy conversion-II Power Electronics Electrical Drives High Voltage AC and DC Transmission Fundamentals of Power System Operation & Control in Power System. All other subjects are supportive subjects. The core subjects of Electrical and Electronics Engineering branch are also the

same.

17. Now, two subjects being equivalent would mean having the same or similar curriculum; or to put it differently would have a equivalence relationship i.e. between elements of their sets there is near symmetry. Equivalence and complete identity are two different things.

18. As a matter of fact, the experts overlooked the fact that every constituent element of the B.Tech.ELECTRICAL course was included in the B.Tech. ELECTRICAL AND ELECTRONICS course, which in fact is a little deeper course, and indeed, today the subject of ELECTRICAL is rendered more and more obsolete unless infused with ELECTRONICS and this explains why the degree course in B.Tech. ELECTRICAL AND ELECTRONICS subsumes the entirety of the B.Tech. ELECTRICAL course; and imparts extra knowledge.

19. We need not note various decisions on the points where the Courts have held that the matter pertaining to the equivalence being an area of expert opinion should be left to the experts and Courts should not readily indulge in voyagerism, but at the same time the Courts have held that the expert opinion must show that the experts have applied the known principles in the field of expert knowledge. We are pained to state that the experts in the instant case have acted as mechanists and have not evidenced the use of the requisite knowledge, skill and expertise in the discharge of their functions. We only highlight the decision reported as AIR 197.SC 163.Mohammad Shujat Ali & Ors.v. UOI & ors. where the Court observed that only where the decision on equivalence is shown to be based on extraneous or irrelevant considerations the Court would reach out its lethal arm and strike down the decision.

20. The tabular form chart reproduced by us hereinabove and our comments thereon in the subsequent paragraphs compel us to hold that the degree B.Tech. ELECTRICAL AND ELECTRONICS is equivalent to the degree B.Tech. ELECTRICAL.

21. It assumes importance to note that advertisements issued for employment by the Indian Navy and the Indian Air Force treat B.Tech. ELECTRICAL AND

ELECTRONICS equivalent WP(C)s No.6100, 6185, 6186, 6187, 6487, 4722 & 7237/2012 to ELECTRICAL. All Public Sector Undertakings which employ personnel versed and conversant with ELECTRICAL ENGINEERING such as Hindustan Petroleum Corporation Ltd., Steel Authority of India Ltd., Bharat Heavy Electrical Ltd., National Thermal Power Corporation Ltd. and Gas Authority of India Ltd. also treat the two degrees as equivalent.

22. Surprisingly, when it comes to males, the instant advertisements pursuant way to the lady petitioners have applied, would reveal that both degrees i.e. B.Tech. ELECTRICAL AND ELECTRONICS as also B.Tech. ELECTRICAL are listed as the eligible educational qualification. As a matter of fact the original advertisement published in January 20, 2012 made no distinction between males and females as regards the degree and only the corrigendum issued on February 11, 2012 did so, by which time many people had applied online.

23. A very feeble attempt was made to justify retaining B.Tech. ELECTRICAL AND ELECTRONIC and B.Tech. ELECTRIC as equivalent degrees for men and different for women, by urging that ELECTRICAL ENGINEERING covers subjects relating to ELECTRICAL SUB SYSTEM AND CONTROL, an area of knowledge imparted very minimal to the students having discipline ELECTRONICS AND ELECTRICAL and thus employability for the latter is minimal in peace areas. The argument was advanced to justify retention of equivalence of the two subjects for males, who as per the respondents would be deployed in operation areas and not the females.

24. The justification is a simple ruse inasmuch we have noted hereinabove that the degree course B.Tech. ELECTRICAL AND ELECTRONICS subsumes the entire course B.Tech. ELECTRICAL and teaches something more.

25. Now, the Air Force uses equal number of electrical equipment and even the Indian Navy does so. There was no justification forth coming as to why said two branches of the Armed Forces do not draw any such distinction.

26. It was then urged by the respondents that the petitioners could not have even applied for the post inasmuch in the advertisements it was clearly indicated as to

what degree was treated as the essential degree. It was urged that the writ petitioners, by submitting their applications tried to over reach the advertisement inviting applications.

27. As regards the writ petitioners who had the degree of B.Tech. in ELECTRICAL AND ELECTRONICS, we have already noted above that the original advertisement made eligible even said degree holders till the corrigendum was published in Employment News on February 11, 2012. But, the web page of the site of the Indian Army, which we accessed in Court at the hearing held on November 22, 2012, evidenced that the corrigendum was not even put on the website. We did so in Court inasmuch as the writ petitioners informed that when they accessed the website pursuant to the advertisement dated January 20, 2012, notwithstanding they did so after February 11, 2012, the website continued display the eligibility qualifications as originally entered. Indeed, the position is as stated by the petitioners.

28. The position which therefore emerges is that due to complete identity in the course curriculum of the degrees B.Tech. INFORMATION TECHNOLOGY and B.Tech. COMPUTER SCIENCE and the degrees B.Tech. INSTRUMENTATION AND CONTROL and B.Tech. ELECTRONIC AND INSTRUMENTATION, even the experts panel constituted by AICTE has opined equivalence and as regards B.Tech. ELECTRICAL AND ELECTRONICS and B.Tech. ELECTRICAL, though the experts have opined to the contrary, we find equivalence. The further position which emerges is that as regards males, the Indian Army treats B.Tech. ELECTRICAL AND ELECTRONIC and B.Tech. ELECTRICAL as equivalent degrees. Further position emerges that the Indian Navy and the Indian Air Force treats the two degrees as equivalent and so do all other Public Sector Undertakings. The further position which emerges is that all writ petitioners succeeded with merit, and we highlight that the young lady writ petitioners found themselves in the select list for 35 posts from amongst 11,000 candidates; we presume that the selection process was to test the knowledge in the field of ELECTRICAL ENGINEERING and the success of the lady writ petitioners holding degree in ELECTRIC AND ELECTRONIC ENGINEERING is proof of what we have held herein above that the degree course undertaken by them has subsumed

within, the degree course in ELECTRIC ENGINEERING.

29. Thus, the facts of the instant case attract the law declared by the Supreme Court in its opinion in Mohammed Sujat Alis case (supra) justifying the arm of this Court to be extended to declare that the writ petitioners were eligible; having the requisite educational qualifications for the posts advertised and accordingly we issue a mandamus to the respondents to proceed ahead with the selection process pertaining to the writ petitioners keeping in view their merit position in the select list against the post which they had applied for.

30. We note that learned counsel for the respondents had conceded that the number of persons issued letters of appointment exceed more than three times the vacancies which were advertised and the reason is a shortage of officers in the Indian Army, and for which the young petitioners who were present in Court had drawn our attention to the newspaper report published on November 15, 2012 in the daily newspaper The Pioneer that the shortage of officers in the Indian Army is 12,000; indeed learned counsel for the respondents did not refute said position; meaning thereby that the induction of the petitioners would not adversely affect the persons who have been issued letters of appointment notwithstanding many of them being lower in the merit position to the writ petitioners.

31. We have highlighted in our interim orders as also in para 7 above that commensurate to the needs of the growing industry one finds a perceptible shift from the hithertofore regimented courses to interdisciplinary courses; having mixed and merges subjects. A large number of writ petitions are being filed on the subject of equivalence. Our experience in the instant writ petitions of seeking expert opinion first from the Association of the Indian Universities and then from the All Council for Technical Education has left us saddened and without any guidance. Accordingly we direct that a copy of this decision would be sent to the Secretary, Ministry of Human Resources Development with a direction that the Government of India would constitute a committee of experts in the field of technical education which would gather the course curriculum of all the technical degrees recognized by the UGC and would accord equivalence which would be displayed on the website of UGC, AICTE and the Ministry of Human Resources

Development.

32. An affidavit would be filed by the Secretary, Ministry of Human Resources Development in WP(C) No.6100/2012 disclosing the names of the members constituting the committee of experts and the task assigned to the committee and for which purpose we direct that though WP(C) No.6100/2012 is disposed of by issuing the mandamus as above, it would be listed for directions before the Roster Bench on April 09, 2013, to ensure compliance by the Secretary, Ministry of Human Resources Development.

33. No costs. CMs No.16465/2012 and 18372/2012 in WP(C) No.6100/2012; CM No.16618/2012 in WP(C) No.6185/2012; CM No.16620/2012 in WP(C) No.6186/2012; CM No.16622/2012 in WP(C) No.6187/2012; CM No.17205/2012 in WP(C) No.6487/2012; and CM No.18665/2012 in WP(C) No.7237/2012 Since the writ petitions stand disposed of, instant applications stand disposed of as infructuous. (PRADEEP NANDRAJOG) JUDGE (MANMOHAN SINGH) JUDGE
NOVEMBER 26 2012 dk

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