

**BEFORE THE UTTARAKHAND PUBLIC SERVICES TRIBUNAL
AT DEHRADUN**

Present: Hon'ble Mr. Rajendra Singh

----- Acting Chairman

Hon'ble Mr. Arun Singh Rawat

-----Vice Chairman (A)

CLAIM PETITION NO. 76/DB/2026

Sri Isam Singh aged about 47 years, s/o Sri Hukum Singh, r/o Village Jalalpur Dada, Post Hallumajra, District Haridwar, Uttarakhand.

.....Petitioner

VS.

1. State of Uttarakhand through Secretary (Irrigation), Government of Uttarakhand, Secretariat, Subhash Road, Dehradun.
2. Engineer-in-Chief, Department of Irrigation, Uttarakhand, Dehradun.

.....Respondents

Present: Sri L.K.Maithani, Advocate, for the petitioner.
Sri V.P.Devrani, A.P.O., for Respondent.

JUDGMENT

DATED: JULY 16, 2026

By means of present claim petition, petitioner seeks the following reliefs:

- “a) To quash the impugned termination order dated 31.05.2023 (Annexure No. A-1) and office order dated 08.06.2026 (Annexure No. A-2) of the respondent no.1 with its effect and operation and issue an order and direction to the respondent no. 1 to reinstate the petitioner

in his service with continuity of service and with all consequential benefits of service.

b) To issue any other suitable order or direction which this Hon'ble Tribunal may deem fit and proper in the circumstances of the case.

c) To award the cost of the petition to the petitioner.”

2. The claim petition is supported by the affidavit of petitioner. Relevant documents have been filed along with the same.

3. The petitioner applied for the post of Assistant Engineer (Mechanical) pursuant to a recruitment advertisement issued by the Uttarakhand Public Service Commission in 2011. After successfully completing the selection process, the petitioner was selected on merit and appointed on 23.04.2014 in the Irrigation Department, where he joined and worked continuously for about nine years. However, on 31.05.2023, his services were terminated with immediate effect under the Uttarakhand Temporary Government Servant (Termination of Service) Rules, 2003. The petitioner challenged the termination by submitting a representation, appeared for a personal hearing with supporting documents, and, when no decision was taken, approached the Tribunal by way of filing Claim Petition No. 06/SB/2024. The Tribunal vide judgment dated 17.01.2024 directed the authorities to decide his representation by a reasoned order.

4. **Thereafter, by order dated 08.06.2026, the respondent rejected the petitioner's representation on the ground that his B.Tech. degree, obtained through distance education from Rajasthan Vidyapeeth University, was not valid because he had not produced proof of passing the AICTE special examination required after the Supreme Court's decision concerning distance technical education.**

5. The petitioner contends that this decision is incorrect because his B.Tech. degree was obtained in 2007 from a deemed university that was duly recognized by the UGC, and distance education programmes were permitted under the applicable UGC and DEC guidelines at that time. He further submits that AICTE had recognized

such degrees awarded up to 31.05.2013 and that his degree was valid when obtained.

6. Ld. A.P.O. drew the attention of the Bench toward the Office Memorandum dated 08.06.2026 (Annexure: A-2).

7. We have perused Office Memorandum dated 08.06.2026 (Annexure: A- 2), in which the observations made by Hon'ble Supreme Court on 22.01.2018 while deciding **Miscellaneous Application Nos. 1795–1796 of 2017** in Civil appeal No. 17869-17870/2017, Orissa Lift Irrigation Corp. Ltd. vs. Rabi Sankar Patro and others, **have been mentioned, which read as under:**

“7. We now turn to the general submission advanced by all the learned counsel that the candidates, after securing the degrees in Engineering through distance education mode, have advanced in their careers and that their ability was tested at various levels and as requirement of passing the examination in terms of the judgment be dispensed with in their case. We cannot make any such exception. The infirmity in their degrees is basic and fundamental and cannot be wished away. At the same time, we find some force in their submission that if the suspension of their degrees and all advantages were to apply as indicated in the judgment, the concerned candidates may lose their jobs and even if they were to successfully pass the test, restoration of their jobs and present position would pose some difficulty. We, therefore, as a one-time relaxation in favour of those candidates who were enrolled during the academic years 2001-2005 and who, in terms of the judgment, are eligible to appear at the test to be conducted by AICTE, direct:-

a] All such candidates, who wish to appear at the forthcoming test to be conducted by AICTE in May-June 2018 and who exercise option to appear at the test in terms of the judgment, can retain the degrees in question and all the advantages flowing therefrom till one month after the declaration of the result of such test or till 31.07.2018 whichever is earlier.

b] This facility is given as one-time exception so that those who have the ability and can pass the test in the first attempt itself, should not be put to inconvenience. If the candidates pass in such first attempt, they would be entitled to retain all the advantages. But if they fail or choose not to appear, the directions in the judgment shall apply, in that the degrees and all advantages shall stand suspended and withdrawn. At the cost of repetition, it is made clear that no more such chances or exceptions will be given or made. They will undoubtedly be entitled to appear on the second occasion in terms of the judgment but this exception shall not apply for such second attempt.

c] We direct AICTE to conduct the test in May-June 2018 and declare the result well in time, in terms of our directions in the judgment and

this Order. AICTE shall however extend the time to exercise the option to appear at the test suitably.

8) Except for the directions given in the preceding paragraph i.e. paragraph 7 and the clarification as regards courses leading to award of diplomas as mentioned hereinabove, we reject all the other submissions.

9) All applications, petitions and writ petitions stand disposed of in aforesaid terms.”

8. In view of the above, it is clear that the representation submitted by Shri Isam Singh (petitioner), has been rejected by the respondent authorities because his B.Tech. degree obtained through distance education is not valid in the eyes of law. Moreover, despite being given adequate opportunity to him, he failed to produce any certificate showing that he had qualified the special examination conducted by the All India Council for Technical Education (AICTE) within the prescribed eight-year period, as directed by the Hon'ble Supreme Court.

9. In view of the aforesaid facts, the Tribunal is of the considered opinion that the claim petition is barred by the principle of estoppel and is, accordingly, dismissed at the admission stage.

(ARUN SINGH RAWAT)
VICE CHAIRMAN (A)

(RAJENDRA SINGH)
ACTING CHAIRMAN

DATE: JULY 16, 2026.
DEHRADUN

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