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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% ***Judgement reserved on: 13.08.2025***
Judgement delivered on: 10.09.2025

\+ LPA 243/2023, CM APPL. 17678/2023, CM APPL.17679/2023, CM APPL. 17681/2023, CM APPL.40590/2023 and CM APPL. 46749/2023

CHANDRA SHEKHAR PRASAD RAJAK .....Appellant

Through: Mr Abhay Kumar, Mr Shagun Ruhil and Mr Karan Chopra, Advocates

versus

UNION OF INDIA & ANR. .....Respondents

Through: Mr. Arnav Kumar, CGSC along with Ms. Gitanjali Vohra, Advocates for R-1.
Mr. Anil Soni, Senior Advocate along with Mr. Devvrat Yadav, Mr. Kush Garg and Ms. Pearl Sharma, Advocates for R-2
Mr. Brijesh Kumar Singh, Advocate for R-3

CORAM:
HON'BLE MR. JUSTICE ANIL KSHETARPAL
HON'BLE MR. JUSTICE HARISH VAIDYANATHAN SHANKAR

J U D G E M E N T

HARISH VAIDYANATHAN SHANKAR J.

1. The present Appeal has been filed against the **Judgement dated 13.01.2013**[1] passed by the learned Single Judge of this Court in ***W.P.(C) No. 945/2013***[2] *and connected matters*.

2. At the outset, it is important to note that the Appellant herein

[1] Impugned Judgement
[2] The Institution of Civil Engineers (India) vs. Union of India and Anr.

was not a party to the aforesaid Writ Petition(s). However, he has preferred the present Appeal on the ground that the said judgment has adversely affected him.

3. *Prima facie*, this Court is of the view that an appeal filed by a person who was not a party to the Writ Petition may not be maintainable. Nevertheless, without prejudice to this preliminary observation, the Court deems it appropriate to examine the Appeal on merits.

4. The Appellant primarily assails the Impugned Judgment on the ground that the learned Single Judge failed to take into account the **Interim Order dated 06.08.2013**[3] passed in *W.P.(C) No. 945/2013 and connected matters*.

5. By the said Interim Order, learned Single Judge of this Court had stayed the operation of the **Office Memorandum** [4] dated 06.12.2012 issued by Respondent No. 1. Under the said OM, the equivalence of degrees/ diplomas awarded by certain institutions was withdrawn, and recognition was restricted only to students who had enrolled with institutions such as the Petitioner in that writ petition (Respondent No. 3 herein), *namely*, **Institution of Civil Engineers (India)**[5], up to 31.05.2013.

6. As a result of the OM dated 06.12.2012, the earlier instructions dated 06.11.2007 of the Ministry of Human Resource Development/ Respondent No. 1 granting recognition to Section A & B of the Associate Membership Course, treating them as equivalent to a Degree in Engineering, as well as Part-I & II of the Technical

[3] Interim Order
[4] OM
[5] ICE

Engineers Course conducted by the ICE, with effect from the academic session 2007-2008, ceased to have effect from 01.06.2013.

CONTENTIONS BY THE PARTIES:

7. Learned counsel for the Appellant would contend that once the Interim Order suspended the operation of the OM dated 06.12.2012, any admissions by the ICE, subsequent to the said date, would have to be treated to be valid as it was only subsequently, by the Order dated 11.02.2020 that the learned Single Judge had clarified that no fresh admissions should be made until further orders.

8. It would be further contended that the said Interim Order, by suspending the operation of the OM dated 06.12.2012, effectively permitted the ICE to admit students, including the Appellant herein; however, while rejecting the writ petition, the learned Single Judge failed to extend the benefit of such admission to the Appellant herein.

9. Learned counsel for the Appellant would submit that the learned Single Judge, by passing the Impugned Judgment, has effectively deprived the Appellant of the benefit that had been expressly conferred by virtue of the Interim Order. It is further contended that the Impugned Judgment violates the principle of equality, inasmuch as it denies to the Appellant the same benefits that were extended by the Hon'ble Supreme Court in its judgment dated 13.08.2019 in ***Institution of Mechanical Engineers (India) v. State of Punjab***[6].

10. The further contention of the learned counsel for the Appellant is that the judgment of the Hon'ble Supreme Court in ***Institution of Mechanical Engineers*** *(supra)* is not applicable in the present case, as

[6] (2019) 16 SCC 95

the OM dated 06.12.2012 was not under challenge in those proceedings.

11. The Appellant would also question the constitutionality of the OM dated 06.12.2012 and also sought to invoke the principles of legitimate expectations of the Appellant.

12. It may be noted that while the learned counsel for the Appellant has in extenso raised grounds regarding the alleged illegality of the OM dated 06.12.2012 as well as the inapplicability of the Hon'ble Supreme Court's judgement in ***Institutional Mechanical Engineering*** *(supra)*, there is no reference whatsoever to the judgement of the Co-ordinate Bench of this Court in ***Yashpal Singh Jadeja v. AICTE & Anr***[7].

13. *Per contra*, learned Senior Counsel for Respondent No. 2/**All India Council for Technical Education** [8] would support the Judgement impugned herein and contend that the issues raised stand fully covered by the decision of the Co-ordinate Bench of this Court in ***Yashpal Singh Jadeja*** *(supra)* as well as the judgment of the Hon'ble Supreme Court in ***Institution of Mechanical Engineers*** *(supra).*

ANALYSIS AND FINDINGS:

14. We have carefully heard the submissions of the learned counsel for the Appellant and the learned Senior Counsel for AICTE, and have duly considered the pleadings and written arguments placed on record.

15. As already expressed hereinabove, we are *prima facie* of the view that the present Appeal by the Appellant, who was not a party in the Writ Petition(s) itself before the learned Single Judge, may not be

[7] 2024 SCC Online Del 4633
[8] AICTE

entitled to file the present Appeal. Nevertheless, *de-hors* this *prima facie* opinion, we are examining the matter on the merits.

16. The controversy raised before us is no longer *res integra*. It stands squarely and comprehensively resolved by the judgment of a Co-ordinate Bench of this Court in ***Yaspal Singh Jadeja*** *(supra)*. That judgment examined the very grounds now urged before us, and rejected them after a detailed consideration of the law laid down by the Hon'ble Supreme Court in ***Institution of Mechanical Engineers*** *(supra)* and other binding precedents. The said decision leaves no manner of doubt that the questions sought to be agitated here are already concluded. It would be appropriate to reproduce the relevant paragraphs of the said judgement, which would make the same apparent:-

> ***"SUBMISSIONS***
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> **15.** The appellant appeared in person and advanced the oral submissions. He assails the impugned order mainly on two grounds. First, he submitted that the learned Single Judge had erred in holding that the decision of the Supreme in **Institution of Mechanical Engineers (India) v. State of Punjab [(2019) 16 SCC 95]** covers the challenge raised in the writ petition [W.P.(C) No. 4059/2019]. He submitted that IEI was not a statutory body and therefore, the Certificate of Membership issued by it was not recognized as equivalent to a degree in engineering. He also referred to the judgment in **Kartar Singh v. Union of India [2012 SCC OnLine P&H 21066]** whereby the Punjab & Haryana High Court had observed that the membership of the Institute of Mechanical Engineers (India), Mumbai could not be said to be at par with members of IEI, which was established under a statute. He submitted that the decision in the case of **Institution of Mechanical Engineers (India) v. State of Punjab** was delivered by the Supreme Court in connection with the certificate awarded by the said appellant, which was not established under a statute and was not at par with the IEI. He submitted that mere reference to the impugned OM and the impugned public notice could not be construed as the Supreme Court upholding the same.
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> **16.** Second, he submitted that the impugned OM (Office Memorandum dated 06.12.2012), to the extent of placing a deadline of 31.05.2013, was inoperative by virtue of the stay order

dated 31.05.2013 passed by the learned Single Judge in W.P.(C) No. 3790/2013. He claimed that he as well as several other persons had joined the engineering courses on the strength of the said stay order and therefore, the qualification secured by them was necessarily required to be treated at par with an engineering degree. He also submitted that the impugned OM for the period after 31.05.2013 onwards was not the subject matter of appeal before the Supreme Court in **Institution of Mechanical Engineers (India) v. State of Punjab (supra)** and therefore reference to the impugned OM in the said case was not relevant.

REASONS AND CONCLUSION

17. At the outset, it is relevant to note the scope of the writ petition [being W.P.(C) No. 4059/2019] preferred by the appellant and the other petitioners. The petitioners had challenged the impugned public notice principally on the ground that it was contrary to the stay order dated 31.05.2013. It is contended that by virtue of the stay order, the deadline of 31.05.2013 for ending the equivalence of the AMIE course to a degree in engineering, had been stayed and IEI was not interdicted from admitting students in the AMIE course. The petitioners claim that in the absence of sufficient alternatives for pursuing qualifications in disciplines of engineering, approximately 60000 persons (including the petitioners) had enrolled for the AMIE courses pursuant to the stay order dated 31.05.2013 granted in W.P.(C) No. 3790/2013. The petitioners claim that they were shocked to come across the impugned public notice, whereby the recognition of equivalence to the certification granted to the AMIE course was confined to only those students who had enrolled with IEI prior to 31.05.2013. They claim that the impugned public notice is in direct conflict of the order dated 31.05.2013 passed by the Court.

18. The petitioners are employed with Public Sector Undertakings and they claim that the impugned public noice would adversely affect their prospects of employment and promotion. They also claim that a distinction between the students enrolled prior to 31.05.2013 and those enrolled thereafter, is discriminatory as the students enrolled after 31.05.2013 have also undergone the same course, which was undergone by students enrolled prior to 31.05.2013, as the curriculum has not been revised.

19. Thus, essentially, there are three questions to be addressed. First, whether by virtue of the interim order dated 31.05.2023 passed in W.P.(C) No. 3790/2013, the petitioners are entitled to recognition of their qualification of Associate Member of Institution of Mechanical Engineers (hereafter the AMIE) as equivalent to a degree in engineering. Second, whether the denial of equivalence of qualification to the petitioners (and other persons) enrolled after 31.05.2013 is discriminatory and violative of Article 14 of the Constitution of India. And third, whether the

qualification of the AMIE could be considered as equivalent to a degree in engineering notwithstanding that AICTE has not been granted any such equivalence, post 31.05.2013.

20. The learned Single Judge had concluded that the issues raised in the petition were covered by the decision of the Supreme Court in **Institution of Mechanical Engineers (India) v. State of Punjab (supra)**. As noted above, the appellant has assailed the said conclusion, principally on the ground that the Institution of Mechanical Engineers (India) could not be considered at par with IEI as IEI was established by a Royal Charter.

21. As noted above, the appellant had also contended that the reference to the impugned OM in the said judgment could not be construed to mean that the Supreme Court had upheld the same.

22. The said contention appears to be unmerited. A plain reading of the decision of the Supreme Court in **Institution of Mechanical Engineers (India) v. State of Punjab (supra)** indicates that the said decision rested on an examination of the role of AICTE and the powers of the MHRD to award equivalence of qualifications to degrees.

23. In **Orissa Lift Irrigation Corporation Limited v. Rabi Sankar Patro, (2018) 1 SCC 468**, the Supreme Court had referred to Clause 4 of the AICTE [Grant of Approval for Starting New Technical Institutions, Introduction of Courses or Programmes and Approval of Intake Capacity of Seats for Courses or Programmes (the 1994 AICTE Regulations)] and held that AICTE was the sole authority that could lay down the parameters of qualitative norms for "technical education".

24. In **Institution of Mechanical Engineers (India) v. State of Punjab (supra)** the Supreme Court had reiterated the said legal position, as is apparent from Paragraph nos. 36, 37, 38, 39 and 40 of the said decision. The same are set out below: —

> "**36.** On its own showing, the appellant "does not impart any education but merely conducts bi-annual examinations and awards certificates". The compilation referred to in para 31 hereinabove also makes the position clear that the appellant "does not recognise, allow or conduct any coaching classes or local centres helping the candidates appearing in the examinations".
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> **37.** In **Orissa Lift Irrigation Corpn. Case [Orissa Lift Irrigation Corporation Limited v. Rabi Sankar Patro, (2018) 1 SCC 468]** two questions were posed for consideration in para 45 of the said decision and the first of those two questions was as under: (SCC pp. 532-33)
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> > "A. Whether the deemed to be universities concerned in the present case, could start courses through distance education in subjects leading to award of degrees in Engineering:

(a) Without any parameters or guidelines having been laid down by AICTE for conduct of such courses in technical education through distance education mode?

(b) Without prior approval under the AICTE Act?"

The discussion in that behalf appearing in paras 46 and 48 of the decision was: (SCC pp. 533-35)

> "46. The definition of "technical education" in Section 2(g) of the AICTE Act shows that the emphasis is on the programmes of education, research and training in Engineering Technology in general and the idea is not limited to the institutions where such programmes of education, research and training are to be conducted or imparted. However, the definition of "technical institution" in Section 2(h) leaves out an institution which is a university. The distinction between the broader concept of "technical education" and the limited scope of "technical institution" is clear from Section 10 of the AICTE Act where certain functions concern the broader facets or aspects of technical education which by very nature must apply to every single institution (whether university or not) where such courses are conducted or imparted. At the same time, certain functions are relatable to technical institutions alone, which by definition are not applicable to universities. For example, functions in clauses (a), (b), (d), (e), (f), (l) and (n) are concerned with broader facets of technical education, while functions in clauses (k), (m), (p) and (q) deal with matters concerning technical institutions and thus may not apply to universities, whereas there are certain functions as set out in clauses (g) and (o) which apply to both "technical institutions" and "universities" imparting technical education. Clauses (c), (d) and (f) of Section 10 deal with subjects, inter alia, coordination of the technical education in the country at all levels; promoting innovation, research, development, establishment of new technologies, generation, adoption and adaptation of new technologies to meet the developmental requirements; and promoting

and effecting link between technical education and systems and other relevant systems. AICTE is thus the sole repository of power to lay down parameters or qualitative norms for "technical education". What should be course content, what subjects be taught and what should be the length and duration of the courses as well as the manner in which those courses be conducted is a part of the larger concept of "technical education". Any idea or innovation in that field is also a part of the concept of "technical education" and must, as a matter of principle, be in the exclusive domain of AICTE.

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48. Technical education leading to the award of degrees in Engineering consists of imparting of lessons in theory as well as practicals. The practicals form the backbone of such education which is hands-on approach involving actual application of principles taught in theory under the watchful eyes of demonstrators or lecturers. Face-to-face imparting of knowledge in theory classes is to be reinforced in practical classes. The practicals, thus, constitute an integral part of the technical education system. If this established concept of imparting technical education as a qualitative norm is to be modified or altered and in a given case to be substituted by distance education learning, then as a concept AICTE ought to have accepted it in clear terms. What parameters ought to be satisfied if the regular course of imparting technical education is in any way to be modified or altered, is for AICTE alone to decide. The decision must be specific and unequivocal and cannot be inferred merely because of absence of any guidelines in the matter. No such decision was ever expressed by AICTE. On the other hand, it has always maintained that courses leading to degrees in Engineering cannot be undertaken through distance education mode. Whether that approach is correct or not is not the point in issue. For the present purposes, if according to AICTE such courses ought not to be taught in distance education mode, that is the final word

and is binding—unless rectified in a manner known to law. Even National Policy on Education while emphasising the need to have a flexible pattern and programmes through distance education learning in technical and managerial education, laid down in Para 6.19 that AICTE will be responsible for planning, formulation and maintenance of norms and standards including maintenance of parity of certification and ensuring coordinated and integrated development of technical and management education. In our view, whether subjects leading to degrees in Engineering could be taught in distance education mode or not is within the exclusive domain of AICTE. The answer to the first limb of the first question posed by us is therefore clear that without the guidelines having been issued in that behalf by AICTE expressly permitting degree courses in Engineering through distance education mode, the deemed to be universities were not justified in introducing such courses."

38. The role of AICTE in technical and management education was emphasised in National Policy of Education, published by the Government of India in 1986, which was noted by this Court in Orissa Lift Irrigation Corpn. case [**Orissa Lift Irrigation Corpn. Ltd. v. Rabi Sankar Patro, (2018) 1 SCC 468**]. The Regulations concerned issued by AICTE in the year 1994 were also considered under which no course or programme could be introduced by any technical institution except with the approval of AICTE. Paras 23.2 and 23.3 of the decision had extracted relevant portions of the National Policy of Education and the Regulations concerned of AICTE as under: (SCC pp. 497-98)

"23.2. In 1986, National Policy on Education was published by the Government of India, Part VI of which dealt with Technical and Management Education, Paras 6.6, 6.8 and 6.19 of the Policy were—

'6.6. In view of the present rigid entry requirements to formal courses restricting the access of a large segment of people to technical and managerial education, programmes through a distance learning process, including use of the mass media will be offered. Technical and management

education programmes, including education in polytechnics, will also be on a flexible modular pattern based on credits, with provision for multi-point entry. A strong guidance and counselling service will be provided.

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6.8. Appropriate formal and non-formal programmes of technical education will be devised for the benefit of women, the economically and socially weaker sections, and the physically handicapped.

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6.19. The All-India Council for Technical Education, which has been given statutory status, will be responsible for planning, formulation and maintenance of norms and standards, accreditation, funding of priority areas, monitoring and evaluation, maintaining parity of certification and awards and ensuring the coordinated and integrated development of technical and management education. Mandatory periodic evaluation will be carried out by a duly constituted Accreditation Board. The Council will be strengthened and it will function in a decentralised manner with greater involvement of State Governments and technical institutions of good quality.'

23.3. The AICTE (Grant of Approval for Starting New Technical Institutions, Introduction of Courses or Programmes and Approval of Intake Capacity of Seats for Courses or Programmes) Regulations were issued in 1994 ("the 1994 AICTE Regulations", for short). Clause 4 of these Regulations was to the following effect:

'**4.0.** Requirement of grant of approval

4.1. After the commencement of these Regulations,

(a) No new Technical Institution or University Technical Department shall be started; or

(b) No course or programme shall be introduced by any Technical Institution, University including a Deemed University or University Department or College or;

(c) No Technical Institution, University or Deemed University or University Department or College shall continue to admit students for Degree or Diploma courses or programmes;

(d) No approved intake capacity of seats shall be increased or varied;

Except with the approval of the Council.'"

39. It was laid down in the said decision that AICTE is the sole repository of power to lay down parameters or qualitative norms for "technical education" and that it was within the exclusive domain of AICTE to consider whether subjects leading to degrees in Engineering could be taught in distance education mode or not. The issue whether courses leading to degrees in engineering could be taught through distance education learning was dealt with in extenso. It was laid down that by very nature, practical training would be an essential and integral part of engineering courses and that until and unless a clear policy was laid down by AICTE, no courses in engineering could be taught or imparted through distance education mode. It was held that in the absence of any guidelines having been issued by AICTE expressly permitting courses leading to degrees in Engineering through distance education, no such courses could be introduced. The consistent stand taken by AICTE was also noted in the said judgment.

40. The point in question was again dealt with in the order dated 22-1-2018 [**Orissa Lift Irrigation Corpn. Ltd. v. Rabi Sankar Patro, (2018) 1 SCC 468**] in paras 23 and 24 and it was stressed that conferral of degrees in Engineering through distance education mode was never approved in principle by AICTE. The appellant does not even claim to be imparting any education through distance education mode and only conducts bi-annual examination and awards certificates to those who qualify such examination. Considered in the light of the decision of this Court in Orissa Lift Irrigation Corpn. case [**Orissa Lift Irrigation Corpn. Ltd. v. Rabi Sankar Patro, (2018) 1 SCC 468**], the learned Amicus Curiae is right in his submission that the case of the appellant would be on a footing lower than the cases of deemed to be universities as dealt with in that decision."

25. Clause(s) (g), (h) and (i) of Section 2 of the AICTE Act are relevant as they define the terms "technical education", "technical institution" and "university", respectively. The same are reproduced as below: —

"(2)(g) "technical education" means programmes of education, research and training in engineering

technology, architecture, town planning, management, pharmacy and applied arts and crafts and such other programme or areas as the Central Government may, in consultation with the Council, by notification in the Official Gazette, declare;

(h) "technical institution' means an institution, not being a University which offers courses or programmes of technical education, and shall include such other institutions as the Central Government may, in consultation with the Council, by notification in the Official Gazette, declare as technical institutions;

(i) "University" means a University defined under clause (f) of section 2 of the University Grants Commission Act, 1956 (3 of 1956) and includes an institution deemed to be a University under section 3 of that Act."

26. IEI is not a University within the definition of Section 2(i) of the AICTE Act. It is not the appellant's case that IEI is a university as defined under Section 2(f) of the University Grants Commission Act, 1956 or is an institution deemed to be a university under Section 3 of that Act.

27. It is also not the petitioners' case that IEI has been recognized by the University Grants Commission as a university and a declaration to that effect has been made by the University Grants Commission. Thus, AICTE is well within the broad definition of 'technical institution' as defined in the AICTE Act.

28. In **Institution of Mechanical Engineers (India) v. State of Punjab (supra)**, the Supreme Court had, in the aforesaid context, held that the MHRD would have no powers to grant equivalence of any qualification acquired from a technical institution as equivalent to a degree. This was because there was no statutory provision, which conferred such powers to the MHRD.

29. The relevant extract of the decision of the Supreme Court in Institution of **Mechanical Engineers (India) v. State of Punjab(supra)** is set out as under: —

"**41.** The consistent stand of the appellant has been that it is not covered under any of the Acts viz. the UGC Act; the Indira Gandhi National Open University Act, 1985 and the AICTE Act. However, since it offers courses or programmes of technical education, as rightly held by the High Court, the appellant comes within the definition of "technical institution" as defined in the AICTE Act. Neither does the appellant, on its own grant degrees in Engineering nor does it, in its capacity as an affiliated institution to a recognised university, prepare students in courses leading to degrees in Engineering. Though it does not impart any instructions either in theory or in practical, it holds an examination, on satisfactory clearance of which

it awards certificates of membership to candidates. The question is whether such certificate could, as a matter of law, be recognised as equivalent to a degree in Mechanical Engineering from a recognised Indian University? Nothing is clear as to under what statutory regime or under which legal provision can such equivalence to the certificate issued by the appellant be granted or conferred. No statutory provision has been pressed into service or relied upon to suggest that given the particular circumstances and/or, on satisfaction of certain parameters the appellant would be entitled to conferral of such equivalence or status.

42. In terms of Section 22(1) of the UGC Act, right to confer degrees can be exercised only by a university established or incorporated by or under a Central Act, a Provincial Act or a State Act or by an institution deemed to be a university under Section 3 of the UGC Act or by an institution specially empowered by an Act of Parliament to confer or grant degrees. The idea appearing in sub-section (1) of the said Section 22 is made emphatically clear by sub-section (2) which stipulates:

> "Save as provided in sub-section (1), no person or authority shall confer, or grant, or hold himself or itself out as entitled to confer or grant, any degree".

The intent of Parliament is clear that it is only that body which is referred to in sub-section (1) of Section 22, that is competent to confer or grant degrees. The appellant does not fall under any of these categories enumerated in Section 22(1) of the UGC Act.

43. In **Orissa Lift Irrigation Corpn. Ltd.v. Rabi Sankar Patro, (2018) 1 SCC 468**, it also arose for consideration whether a deemed to be university, without taking appropriate prior permission could start courses leading to degrees in Engineering through open distance learning. That aspect of the matter does not arise in the present case and it is also not the case of the appellant, that it is entitled to award degrees in Engineering. Its submission however is, having been conferred the status of being equivalent to degrees in Engineering in respect of certificates awarded by it, the appellant is entitled to continue having such benefit or advantage. There is nothing on record either in the form of any statutory provision or any statutory regulations or any scheme under which such equivalence could be granted by MHRD. It appears that claims made by various institutions like the appellant were considered on case-to-case basis and equivalence was granted by MHRD. The first of those communications was of the year

1976 when the AICTE Act was not in force. If the mandate of Section 22 disentitles any authority or person other than those specified in Section 22(1) to award degrees, there is no power or authority in anyone including MHRD to award such equivalence.

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46. In the present case, the communication dated 26-5-1976 under which the certificate issued by the appellant was recognised to be equivalent to a degree in Mechanical Engineering from a recognised Indian University, does not indicate any statutory provision under which such equivalence could be granted or conferred. This point becomes more crucial, as after the enactment of the AICTE Act, the entirety of the field concerning "technical education" is kept in the domain of AICTE by Parliament. Section 10 of the AICTE Act entitles AICTE not only to lay down norms and standards for courses, curriculum and such other facets of "technical education" but also entitles it under clause (l) to advise the Central Government in respect of grant of charter to any professional body or institution in the field of technical education conferring powers, rights and privileges, etc. Going by the width of the power, after the enactment of the AICTE Act, even such privileges could be conferred only after express advice of AICTE and within the confines of various statutory provisions.

47. Consequently, neither can the appellant claim, as a matter of right to be entitled to confer any degree nor can it claim that certificate awarded by it must be reckoned to be equivalent to a degree in Mechanical Engineering."

30. Further, the Supreme Court held that the mandate of Section 22(1) of the University Grants Commission Act, 1956 is to confine the power to award degrees to only those institutions specified therein, cannot be circumvented by awarding "equivalence" to a certificate issued by a technical institution. Paragraph no. 45 of the said decision is mentioned as under: —

"45. If a degree can be awarded only by those institutions which satisfy the description given in sub-section (1) of Section 22 of the UGC Act, the mandate of a parliamentary legislation cannot be circumvented or nullified by awarding equivalence to a certificate issued and awarded by the appellant. What is the value of that certificate will be considered by each employer as and when the occasion arises. The appellant would certainly be entitled to award certificate of membership to its members. What weightage the certificates must have is for the individual employers to consider in a given case. The employer concerned may attach due importance to such

> certificates while considering the worth and ability of the candidates concerned but to say that the certificates are equivalent to a degree and as such all the candidates who hold such certificates are entitled to derive the advantages which a degree-holder can, is completely a different issue."

31. The Supreme Court concluded that the MHRD could not grant any declaration of equivalence of an engineering degree. Nonetheless, the Supreme Court, granted relief to those students who were enrolled with the appellant in the said case, by referring to the impugned OM. Paragraph no. 49 of the said judgment reads as under: —

> "**49.** However, the fact remains that the equivalence to the certificates awarded by the appellant was granted by the MHRD in consultation with AICTE up to 31-5-2013 as is evident from Notification dated 6-12-2012 issued by the Central Government and Public Notice issued by AICTE in August 2017. These communications also indicate that all those students who were enrolled up to 31-5-2013 would be eligible for consideration in accordance with MHRD office memorandum/order in course. Though we have laid down that the certificates issued by the appellant on successful completion of its bi-annual examination to its Members cannot be considered to be equivalent to a degree, an exception needs to be made in favour of students enrolled up to 31-5-2013 and benefit in terms of the Notification dated 6-12-2012 and Public Notice as aforesaid ought to be extended to such candidates. The candidates had opted to enrol themselves so that they could appear at the examinations conducted by the appellant under a regime which was put in place by the Central Government itself and the course content as well as the curriculum were reviewed by AICTE. However, the aforementioned Notification and Public Notice were clear that after 1.06.2013 the orders concerned granting equivalence would cease to have any effect."

32. It is also material to note that the Supreme Court had noted the fact that the impugned OM was a subject matter of challenge in Writ Petition before this Court and interim orders had been passed. Thus, the Supreme Court was also aware that the impugned OM was a subject matter of the challenge before this Court. After noting the above, the Supreme Court proceeded to authoritatively hold that the MHRD did not have any powers to declare the qualification of "technical institution" as equivalent to a degree.

33. It is amply clear that the decision of the Supreme Court in **Institution of Mechanical Engineers (India) v. State of Punjab (supra)** squarely covers the issues as raised in the Writ Petition filed by the petitioners.

34. In absence of any authority with the MHRD to declare the equivalence of qualification granted by a technical institution as a degree in engineering, the question of extending such 'equivalence' by staying the operation of the deadline as set out in the impugned OM or the impugned public notice does not arise.

35. The contention that the grant of benefit to students enrolled with a technical institution that had been granted permission/recognition prior to 31.05.2013, but denial of the said benefit to students who were enrolled thereafter is discriminatory, is also clearly unmerited. It is well settled that there is no concept of negative equality. The MHRD has no authority to grant such equivalence, nonetheless, the Supreme Court had extended the benefits to the students who were enrolled with IEI prior to 31.05.2013. Obviously, the same benefit cannot be extended to students enrolled thereafter as they had joined the courses being clearly aware of the decision of the MHRD to not extend the recognition of equivalence to students enrolled after 31.05.2013. The appellant cannot derive any benefit from the interim orders granted by the High Court in W.P.(C) No. 3790/2013 as the same was subject to the final outcome. The challenge raised by the appellant to the impugned public notice is covered by the decision of the Supreme Court in **Institution of Mechanical Engineers (India) v. State of Punjab (supra)**. Thus, the conclusion of the learned Single Judge cannot be faulted with.

36. The learned Single Judge also noted that the petitioners had filed an application before the Supreme Court seeking certain directions predicated on the basis that challenge to the impugned OM survived the decision in **Institution of Mechanical Engineers (India) v. State of Punjab (supra)**. However, the Supreme Court dismissed the same by an order dated 21.08.2020, which reads as under: —

> "In this Miscellaneous Application No. 1439 of 2020, following directions are prayed for:
>
> "(a)Allow the present application and direct the Hon'ble High Court of Delhi to adjudicate the writ petitions impugning the Office Memorandum dated 06.12.2012 & AICTE public notice on its merits for the period subsequent to 31.05.2013 because the office memorandum dated 06.12.2012 & in AICTE's public notice was not a subject matter of challenge at this Hon'ble Court whereas in writ petition pending at Hon'ble High Court of Delhi since 2013 the office memorandum dated 06.12.2012 & AICTE's public notice are subject matter of challenge.
>
> (b)Direct Hon'ble Delhi High Court to decide on the students who got enrolment subsequent

> to 31.05.2013 pursuant to stay & admission granted by Hon'ble Delhi High Court to the Institution of Engineers (AMIE) based on merits."
>
> With the assistance of the learned counsel for the applicant, we have gone through the petition and the documents appended thereto.
>
> We do not see any reason to entertain this Miscellaneous Application. The Miscellaneous Application is dismissed.
>
> Pending applications, if any, also stand disposed of."
>
> **37.** In view of the above, we find no merit in the present appeal. The same is, accordingly, dismissed. Pending applications also stand disposed of."

17. A bare reading of the extracted paragraphs makes it abundantly clear that the present Appeal is, in substance, a mirror image of what was previously urged and adjudicated upon. The Appellant is, in effect, seeking a rehearing of an issue that has been settled both by this Court and by the Hon'ble Supreme Court. Such an attempt cannot be countenanced. The reasoning of the Co-ordinate Bench is comprehensive, cogent, and self-explanatory, leaving nothing that requires further elaboration.

18. It is evident that the Appellant, through the present Appeal, is seeking to treat the Interim Order as the very cause of action for the present proceedings. In effect, the Appellant contends that the Interim Order passed by the learned Single Judge confers a substantive right, and that he is entitled to benefits which, according to him, naturally flow from such order.

19. We are constrained to observe that such a submission is untenable in law. The proposition that an interim order can survive beyond the dismissal of the main proceedings flies in the face of settled principles. It is a cardinal rule that an interim order is provisional and always merges into the final order. Once the writ

petition stands dismissed, the interim relief granted during its pendency evaporates; no enduring rights or benefits can be claimed thereunder.

20. The Hon'ble Supreme Court, in a catena of decisions including the Constitution Bench judgment in ***Indore Development Authority (LAPSE-5 J.) v. Manoharlal***[9], has categorically reaffirmed these principles. The Court has held that interim orders are always subject to the outcome of the main matter, and if the petition ultimately fails, the interim order is nullified, and no rights can be said to flow from it. The Apex Court further applied the maxim "*commodum ex injuria sua nemo habere debet"* - meaning no party can derive an advantage from its own wrong, and clarified that frivolous or meritless litigation cannot be permitted to create equity in favour of the litigant. The principle of restitution obliges the court to undo any undue or unfair advantage gained by a party through interim orders once the case is finally dismissed. The relevant extracts of the said judgment are produced herein below:-

> **"320.** The maxim actus curiae neminem gravabit is founded upon the principle due to court proceedings or acts of court, no party should suffer. If any interim orders are made during the pendency of the litigation, they are subject to the final decision in the matter. In case the matter is dismissed as without merit, the interim order is automatically dissolved. In case the matter has been filed without any merit, the maxim is attracted commodum ex injuria sua nemo habere debet, that is, convenience cannot accrue to a party from his own wrong. No person ought to have the advantage of his own wrong. In case litigation has been filed frivolously or without any basis, iniquitously in order to delay and by that it is delayed, there is no equity in favour of such a person. Such cases are required to be decided on merits. In **Mrutunjay Pani v. Narmada Bala Sasmal, AIR 1961 SC 1353**, this Court observed that: (AIR p. 1355, para 5)

[9] (2020) 8 SCC 129

> "5. … The same principle is comprised in the Latin maxim commodum ex injuria sua nemo habere debet, that is, convenience cannot accrue to a party from his own wrong. To put it in other words, no one can be allowed to benefit from his own wrongful act."

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324. In **Mahadeo Savlaram Shelke v. Pune Municipal Corpn., (1995) 3 SCC 33**, it has been observed that the Court can under its inherent jurisdiction ex debito justitiae has a duty to mitigate the damage suffered by the defendants by the act of the court. Such action is necessary to put a check on abuse of process of the court. In **Amarjeet Singh v. Devi Ratan, (2010) 1 SCC 417**, and **Ram Krishna Verma v. State of U.P., (1992) 2 SCC 620**, it was observed that no person can suffer from the act of court and unfair advantage of the interim order must be neutralised. In **Amarjeet Singh v. Devi Ratan, (2010) 1 SCC 417**, this Court observed: (SCC pp. 422-23, paras 17-18)

> "**17.** No litigant can derive any benefit from mere pendency of the case in a court of law, as the interim order always merges in the final order to be passed in the case, and if the writ petition is ultimately dismissed, the interim order stands nullified automatically. A party cannot be allowed to take any benefit of its own wrongs by getting an interim order and thereafter blame the court. The fact that the writ is found, ultimately, devoid of any merit, shows that a frivolous writ petition had been filed. The maxim actus curiae neminem gravabit, which means that the act of the court shall prejudice no one, becomes applicable in such a case. In such a fact situation, the court is under an obligation to undo the wrong done to a party by the act of the court. Thus, any undeserved or unfair advantage gained by a party invoking the jurisdiction of the court must be neutralised, as the institution of litigation cannot be permitted to confer any advantage on a suitor from delayed action by the act of the court. (**Vide Shiv Shankar v. U.P. SRTC [Shiv Shankar v. U.P. SRTC, 1995 Supp (2) SCC 726: 1995 SCC (L&S) 1018], GTC Industries Ltd. v. Union of India [GTC Industries Ltd. v. Union of India, (1998) 3 SCC 376] and Jaipur Municipal Corpn. v. C.L. Mishra [Jaipur Municipal Corpn. v. C.L. Mishra, (2005) 8 SCC 423]**.)
>
> 18. In **Ram Krishna Verma v. State of U.P. [Ram Krishna Verma v. State of U.P., (1992) 2 SCC 620]**, this Court examined a similar issue while placing reliance upon its earlier judgment in **Grindlays Bank Ltd. v. CIT [Grindlays Bank Ltd. v. CIT, (1980) 2 SCC 191 : 1980 SCC (Tax) 230]** and held that no person can suffer from the act of the court and in case an interim order has been

> passed, and the petitioner takes advantage thereof, and ultimately the petition is found to be without any merit and is dismissed, the interest of justice requires that any undeserved or unfair advantage gained by a party invoking the jurisdiction of the court must be neutralised."
>
> *****
>
> **325.** In **Karnataka Rare Earth v. Deptt. of Mines & Geology, (2004) 2 SCC 783**, this Court observed that maxim actus curiae neminem gravabit requires that the party should be placed in the same position but for the court's order which is ultimately found to be not sustainable which has resulted in one party gaining advantage which otherwise would not have earned and the other party has suffered but for the orders of the court. The successful party can demand the delivery of benefit earned by the other party, or make restitution for what it has lost……"
>
> ***(emphasis supplied)***

21. In ***Karnataka Rare Earth v. Deptt. of Mines & Geology***[10], the Hon'ble Supreme Court applied the doctrine of *actus curiae neminem gravabit* and reiterated that a litigant cannot retain a benefit obtained solely by reason of an interim order which, in the final analysis, is found to be unsustainable. The Apex Court held that the successful party is entitled either to the delivery of benefits wrongfully obtained by the opposite party or to restitution for what it has lost during the subsistence of such interim order. The relevant paras of ***Karnataka Rare Earth*** *(supra)* are reproduced herein below:-

> "**10.** In **South Eastern Coalfields Ltd. [(2003) 8 SCC 648]** this Court dealt with the effect on the rights of the parties who have acted bona fide, protected by interim orders of the court and incurred rights and obligations while the interim orders stood vacated or reversed at the end. The Court referred to the doctrine of actus curiae neminem gravabit and held that the doctrine was not confined in its application only to such acts of the court which were erroneous; the doctrine is applicable to all such acts as to which it can be held that the court would not have so acted had it been correctly apprised of the facts and the law. It is the principle of restitution which is attracted. When on account of an act of the party, persuading the court to pass an order, which at the end is

[10] (2004) 2 SCC 783

held as not sustainable, has resulted in one party gaining advantage which it would not have otherwise earned, or the other party has suffered an impoverishment which it would not have suffered but for the order of the court and the act of such party, then the successful party finally held entitled to a relief, assessable in terms of money at the end of the litigation, is entitled to be compensated in the same manner in which the parties would have been if the interim order of the court would not have been passed. The successful party can demand: (a) the delivery of benefit earned by the opposite party under the interim order of the court, or (b) to make restitution for what it has lost.

11. In the facts of this case, in spite of the judgment of the High Court, if the appellants would not have persuaded this Court to pass the interim orders, they would not have been entitled to operate the mining leases and to raise and remove and dispose of the minerals extracted. But for the interim orders passed by this Court, there is no difference between the appellants and any person raising, without any lawful authority, any mineral from any land, attracting applicability of sub-section (5) of Section 21. As the appellants have lost from the Court, they cannot be allowed to retain the benefit earned by them under the interim orders of the Court. The High Court has rightly held the appellants liable to be placed in the same position in which they would have been if this Court would not have protected them by issuing interim orders. All that the State Government is demanding from the appellants is the price of the minor minerals. Rent, royalty or tax has already been recovered by the State Government and, therefore, there is no demand under that head. No penal proceedings, much less any criminal proceedings, have been initiated against the appellants. It is absolutely incorrect to contend that the appellants are being asked to pay any penalty or are being subjected to any penal action. It is not the case of the appellants that they are being asked to pay a price more than what they have realised from the exports or that the price appointed by the respondent State is in any manner arbitrary or unreasonable."

(emphasis supplied)

22. Similar principles have also been restated in ***State of U.P. v. Prem Chopra***[11], where the Hon'ble Supreme Court emphasized that once the substantive proceeding is dismissed, all interim orders passed during its pendency cease to operate. The courts are duty-bound to restore the parties to the same position they would have occupied but

[11] 2022 SCC Online SC 1770

for the interim order. To hold otherwise would mean rewarding the unsuccessful litigant despite the failure of his case, thereby prejudicing the successful party for no fault of its own, an outcome which the law cannot permit. The relevant paragraphs of ***Prem Chopra*** *(supra)* are produced herein below:-

> "**19.** Following the said decision, this Court in **Kanoria Chemicals and Industries Ltd. v. U.P. State Electricity Board [(1997) 5 SCC 772]**, has held that an order of stay which is granted during the pendency of a writ petition/suit or other proceeding comes to an end with the dismissal of the substantive proceedings and it is the duty of the court in such cases to put the parties in the same position that they would have been in but for the interim order of the court. In that case, this Court rejected the contention that when the operation of the notification itself was stayed, no surcharge could be demanded upon the amount withheld. It was held thus:
>
> > "11. …. Holding otherwise would mean that even though the Electricity Board, who was the respondent in the writ petitions succeeded therein, yet deprived of the late payment surcharge which was due to it under the tariff rules/regulations. It would be a case where the Board suffers prejudice on account of the orders of the court and for no fault of its. It succeeds in the writ petition and yet loses. The consumer files the writ petition, obtains stay of operation of the notification revising the rates and fails in his attack upon the validity of the notification and yet he is relieved of the obligation to pay the late payment surcharge for the period of stay, which he is liable to pay according to the statutory terms and conditions of supply — which terms and conditions indeed form part of the contract of supply entered into by him with the Board. We do not think that any such unfair and inequitable proposition can be sustained in law.
>
> > *xxxxxxxxx*
>
> > It is equally well settled that an order of stay granted pending disposal of a writ petition/suit or other proceeding, comes to an end with the dismissal of the substantive proceeding and that it is the duty of the court in such a case to put the parties in the same position they would have been but for the interim orders of the court. Any other view would result in the act or order of the court prejudicing a party (Board in this case) for no fault of its and would also mean rewarding a writ petitioner in spite of his failure. We do not think that any such unjust

> consequence can be countenanced by the courts. As a matter of fact, the contention of the consumers herein, extended logically should mean that even the enhanced rates are also not payable for the period covered by the order of stay because the operation of the very notification revising/enhancing the tariff rates was stayed. Mercifully, no such argument was urged by the appellants. It is un-understandable how the enhanced rates can be said to be payable but not the late payment surcharge thereon, when both the enhancement and the late payment surcharge are provided by the same notification — the operation of which was stayed."
>
> **20.** In **Rajasthan Housing Board v. Krishna Kumari [(2005) 13 SCC 151]**, this Court observed that Order 39 of the Civil Procedure Code, 1908 provides for grant of temporary injunction at the risk and responsibility of the person who obtains it and, if ultimately case is decided against such person, he would be liable to pay interest on the arrears of any amount due which had been stayed by the injunction order. The legal maxim actus curiae neminem gravabit, which means that an act of the Court shall prejudice no man, becomes applicable in such a case."
>
> ***(emphasis supplied)***

23. Turning now to the Impugned Judgment, we find that the learned Single Judge has relied upon these very principles. The learned Judge rightly noted that the Hon'ble Supreme Court, in ***Institution of Mechanical Engineers*** (*supra*), carved out a limited exception only for students who enrolled up to 31.05.2013. Beyond this cut-off date, no further exceptions were permitted. The learned Single Judge correctly concluded that any interim order contrary to this clear mandate cannot confer any enduring benefit on the institution. The learned Single Judge has considered all these aspects and has held as follows:-

> "**8.** It is to be noted that in paragraph No.19 **of Institution of Mechanical Engineers (supra)**, the Hon'ble Supreme Court has referred to the impugned OM and its challenge in W.P.(C) 7840/2014 before this court in the said writ petition. While referring to the impugned OM in paragraph No. 49, the Hon'ble Supreme Court has observed as under:

> "49. However, the fact remains that the equivalence to the Certificates awarded by the appellant was granted by the MHRD in consultation with AICTE up to 31.05.2013 as is evident from Notification dated 06.12.2012 issued by the Central Government and Public Notice issued by AICTE in August 2017. These communications also indicate that all those students who were enrolled up to 31.05.2013 would be eligible for consideration in accordance with MHRD office memorandum/order in course. Though we have laid down that the Certificates issued by the appellant on successful completion of its bi-annual examination to its members cannot be considered to be equivalent to a degree, an exception needs to be made in favor of students enrolled up to 31.05.2013 and benefit in terms of the Notification dated 06.12.2012 and Public Notice as aforesaid ought to be extended to such candidates. The candidates had opted to enroll themselves so that they could appear at the examinations conducted by the appellant under a regime which was put in place by the Central Government itself and the course content as well as the curriculum were reviewed by the AICTE. However, the aforementioned Notification and Public Notice were clear that after 01.06.2013 the concerned orders granting equivalence would cease to have any effect."

9. While carving out an exception, the Hon'ble Supreme Court in paragraph No. 49 has held that no further exception needs to be carved out except in favour of candidates who enrolled up to 31.05.2013. It has been unequivocally held that the conclusions drawn in the said order will apply after 01.06.2013. The certificates awarded by the appellant therein to such candidates enrolled up to 31.05.2013 have been directed to be considered equivalent to a degree in Mechanical Engineering for the purpose of employment in the Central Government.

10. It is also to be noted that under similar circumstances while placing reliance on the decision of the Hon'ble Supreme Court, this court in W.P.(C) 4059/2019 dated 04.07.2022 has taken a view that any interim order passed by this court contrary to the principles and the exceptions carved out by the Hon'ble Supreme Court would not come to the aid of the petitioners in that case. It has been held that granting relief to the petitioner-institute would create ambiguity and uncertainty on the issue which has been irrefutably decided by the Apex Court. Paragraph No. 11 of the decision of this court in **Yashpal Sinh Jadeja and Ors. Vs. All India Council for Technical Education (AICTE) and Anr. in W.P.(C) 4059/2019 dated 04.07.2022** is reproduced as under.

> "11. The contentions urged in the instant application and petition are identical to the prayers before the Supreme Court in M.A. No. 1439/2020, as is evident from the order

> extracted above. Pertinently, the judgement of the Supreme Court is undeniably a final decision on the issue of equivalence of AIME course with a degree in engineering. The Supreme Court has categorically held that benefit of the Membership Certificates will only be extended to students who were enrolled in AIME course up to 31st May 2013, and not thereafter. Petitioner No.1 was concededly admitted after the said date. The interim order passed by this Court would not come to the aid of Petitioner in light of the judgement of the Supreme Court. Granting relief to the Petitioner, as prayed for, would create ambiguity and uncertainty of the issue, which has been irrefutably decided by the Apex Court."
>
> **11.** In view of the aforesaid circumstances, this court is not inclined to accede to the request of the learned counsel appearing on behalf of the petitioner to further carve out any exception for the students who were enrolled by the petitioner - institution during the operation of the interim order passed by this court during the pendency of these petitions."

24. We therefore find no infirmity in the Impugned Judgement. On the contrary, it represents a faithful application of binding precedent and established principles of law. The Appellant, in persisting with this litigation, is merely attempting to resurrect an issue that stands conclusively determined. Such an exercise amounts to flogging a dead horse and the same cannot be appreciated. Nonetheless, bearing in mind the peculiar circumstances, we refrain from imposing costs.

25. The Appeal, being devoid of merit, is accordingly dismissed, along with pending application(s).

ANIL KSHETARPAL
(JUDGE)

HARISH VAIDYANATHAN SHANKAR
(JUDGE)

SEPTEMBER 10, 2025/rk/sm/rn