

ITEM NO.13

COURT NO.9

SECTION X

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Writ Petition(s)(Civil) No(s). 149/2019

RAMBALI CHAUDHARY & ORS.

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(FOR ADMISSION and IA No.23832/2019-EX-PARTE STAY and IA
No.23839/2019-EXEMPTION FROM FILING O.T.)

Date : 15-02-2019 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE UDAY UMESH LALIT
HON'BLE MS. JUSTICE INDU MALHOTRA

For Petitioner(s) Mr. Shubhayu Roy, Adv.
Soumya Dutta, AOR

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

Learned counsel for the petitioner invited our attention to the judgment of this Court in *Orissa Lift Irrigation Corp. Ltd. vs Rabi Sankar Patro* decided on 3 November, 2017 and particularly Para 48 of the judgment which had inter alia issued following direction:

"... Any benefit which a candidate has secured as a result of such degrees in Engineering in the nature of promotion or advancement in career shall also stand recalled. However, if any monetary benefit was derived by such candidates that monetary benefit or advantage will not be recovered by the concerned departments or employers."

He further placed Order dated 14.05.2018 issued by respondent No.5 in the present matter [which order is appended at page 209 of the paper book as Annexure P-9] and particularly para 4.2 of the said order. The direction in para 4.2 inter alia, states that all the benefits would be taken back, (promotions, monetary benefit and other benefits).

The direction as quoted above, issued by this Court in Orissa Irrigation was clear that no monetary benefits enjoyed pursuant to obtaining of a Degree of Engineering from Distant Learning mode be returned or recovered. The respondent No.5 is therefore directed, not to recover any monetary benefits which had been made over to the concerned candidates.

With the aforesaid clarification, this writ petition is disposed of.

Pending applications, if any, shall also stand disposed of.

(INDU MARWAH)
COURT MASTER

(SUMAN JAIN)
BRANCH OFFICER