

CWJC No.414/2015 रणधीर कुमार सिंह बनाम् राज्य सरकार एवं अन्य में दिनांक-05.02.2018 को पारित न्यायादेश एवं अवमाननावाद संख्या-3244 / 2018 के दिनांक-28.11.2018को पारित आदेश के आलोक में पूरक सकारण आदेश।

माननीय उच्च न्यायालय द्वारा दायर समादेश याचिका संख्या-414 / 2015, रणधीर कुमार सिंह बनाम् राज्य सरकार एवं अन्य में दिनांक-05.02.2018 को पारित न्यायादेश के आलोक में याचिकाकर्ता द्वारा दायर अभ्यावेदन पर विचार करते हुए तथा भारत सरकार के पत्रांक-F-18 15/93TDVTS IV, दिनांक-01.03.1995 तथा पत्रांक-F-9 26/94-U-3 दिनांक-15.03.2000 (छायाप्रति संलग्न) को उल्लेखित करते हुए एवं राज्य स्वास्थ्य समिति के मंतव्योपरांत अधोहस्ताक्षरी द्वारा दिनांक-15.11.2018 को सकारण आदेश पारित किया गया है। इस आदेश की प्रति को संलग्न करते हुए अवमाननावाद संख्या-3244 / 2018 (समादेश याचिका संख्या-414 / 2018 में पारित आदेश दिनांक-15.02.2018 से उद्भूत) में कारण पृच्छा दायर किया गया है। अवमाननावाद में माननीय उच्च न्यायालय द्वारा पारित आदेश दिनांक-28.11.2018 में प्रधान सचिव, स्वास्थ्य विभाग द्वारा पारित आदेश का उल्लेख करते हुए निम्न आदेश पारित किया गया है:-

"The order dated 15.11.2018, however, does not show any consideration of this aspect. It merely records that the said University was duly recognised. There is no whisper whether the degree in question possessed by respondent no. 7 which is Bachelor of Physiotherapist through distant learning was ever recognised by the State Government/State Health Society. Patna High Court MJC No.3244 of 2018(4) dt.28-11-2018 2/2 Let the Principal Secretary, Department of Health, file a supplementary show cause sworn by him showing compliance of the direction of this Court dated 5.2.2018 in CWJC No. 414 of 2015 within a period of two weeks."

माननीय न्यायालय द्वारा पारित उपरोक्त आदेश के आलोक में इस मामले पर विस्तृत रूप से समीक्षा की गई है, तद्उपरांत निम्न तथ्य सामने आयें:-

भारत सरकार के पत्रांक-F-18 15/93TDVTS IV, दिनांक-01.03.1995 द्वारा प्रकाशित संकल्प में Distance education से प्राप्त योग्यता से संबंध में Employment हेतु आदेश पारित किया गया है (पत्र संलग्न)।

पुनः भारत सरकार द्वारा प्रकाशित Notification No. F-9 26/94-U-3 दिनांक-15.03.2000 में इलाहाबाद Allahabad Agriculture Institute को Deemed to be University, Declare किया गया है (पत्र संलग्न)।

IGNOU द्वारा निर्गत पत्रांक-DEC/A-200/06 CC:A2-AAI-4 दिनांक-29.08.2007 द्वारा इस संस्था को Ex facto Recognition प्राप्त है (पत्र संलग्न)।

प्रतिवादी संख्या-7 श्रीमती वंदना कुमारी अभ्यावेदन में आवेदक रणधीर कुमार सिंह द्वारा प्रतिवादी संख्या-4 वन्दना कुमारी, Allahabad Agriculture Institute (Deemed University) से सत्र 2003-7 की छात्रा थी, तथा फिजियोथेरापी की डिग्री वर्ष 2007 में प्राप्त की है। जबकि

1254(1)
31.12.18

UGC द्वारा पत्र संख्या—F.No. 6-1(6) 2006 (CCP-4) दिनांक—14.05.2010 से Distance education mode से फिजियोथेरापी कोर्स पर प्रतिबंध लगाया गया है। Allahabad Agriculture Institute को वर्ष 2000 में Deemed University घोषित किया गया है तथा IGNOU द्वारा निर्गत पत्रांक—DEC/A-200/06 CC:A2-AAI-4 दिनांक—29.08.2007 द्वारा इस संस्था को Ex facto Recognition प्राप्त है।

प्रतिवादी संख्या—7 उक्त संस्था से वर्ष 2003—7 सत्र की छात्रा रह कर वर्ष 2007 में डिग्री प्राप्त की है। इस प्रकार प्रतिवादीसंख्या—7 की डिग्री भारत सरकार के द्वारा निर्गत पत्र दिनांक—01.03.1995 के शर्तों के अधीन है, जिसे भारत सरकार के द्वारा Emloyment Purpose के लिए Automatically Recognise माना गया है, जो बिहार सरकार के लिए भी मान्य है।

उपर्युक्त तथ्यों से स्पष्ट है कि Allahabad Agriculture University के Directorate of Distance Education Allahabad Agriculture Institute के Distance Education Council (IGNOU) से वर्ष 2007 तक मान्यता प्राप्त है एवं श्रीमति वन्दना कुमारी की Allahabad Agriculture university से प्रदत्त बैचलर ऑफ फिजियोथेरापी की डिग्री वैध है, एवं स्वास्थ्य विभाग, बिहार/राज्य स्वास्थ्य समिति, बिहार, पटना से भी डिग्री मान्य है।

Ba/12/2018
प्रधान सचिव,

स्वास्थ्य विभाग, बिहार, पटना।

ज्ञापांक:—11/फिजियो(कोर्ट)—02/2015—1257(11)/पटना, दिनांक— 31/12/2018

प्रतिलिपि :—कार्यपालक निदेशक, राज्य स्वास्थ्य समिति, शेखपुरा, पटना को सूचनाथ एवं आवश्यक कार्रवाई प्रेषित।

प्रतिलिपि:— जिला पदाधिकारी—सह—अध्यक्ष/सिविल सर्जन —सह—सदस्य सचिव, जिला स्वास्थ्य समिति, समस्तीपुर को सूचनार्थ एवं आवश्यक कार्रवाई हेतु प्रेषित।

प्रतिलिपि:— रणधीर कुमार सिंह, पिता—स्व० रामचन्द्र सिंह, ग्रा०—आलमपुर, पो०—गढ़सिसई, भाया—विद्यापति नगर, जिला—समस्तीपुर को सूचनार्थ प्रेषित।

प्रतिलिपि:— वन्दना कुमारी, फिजियोथेरापिस्ट, सदर अस्पताल, समस्तीपुर को सूचनार्थ प्रेषित।

प्रतिलिपि :—आई० टी० मैनेजर, स्वास्थ्य विभाग, बिहार, पटना को स्वास्थ्य विभागीय वेबसाईट पर अपलोड करने हेतु सूचनार्थ प्रेषित।

Ba/12/2018

प्रधान सचिव,

स्वास्थ्य विभाग, बिहार, पटना।

(13)

(2)

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RECOGNITION OF QUALIFICATIONS FOR EMPLOYMENT

To be Published in Gazette-I
Part-I Section-I

Ministry of Human Resource Development
(Department of Education)

New Delhi
Dated the 1st March, 1995

NOTIFICATION (44)

On the recommendation of the Board of Assessment for Educational Qualifications, the Government of India has decided that all the qualifications awarded through Distance Education by the Universities established by an Act of Parliament or State Legislature, Institutions Deemed to be Universities under Section 3 of the UGC Act, 1956 and Institutions of National Importance declared under an Act of Parliament stand automatically recognized for the purpose of employment to posts and services under the Central Government, provided it has been approved by Distance Education Council, Indira Gandhi National Open University, K 76, Hauz Khas, New Delhi-110016 and wherever necessary by All India Council for Technical Education, I.G. Sports Complex, I.P. Estate, New Delhi-110002.

No. F.18-15/93-TD.V/TS.IV

Sd:-
(VIJAY BHARAT)
DEPUTY EDUCATIONAL ADVISER (T) &
SECRETARY
BOARD OF ASSESSMENT
FOR EDUCATIONAL QUALIFICATIONS

The Manager
Government of India Press
Ludhiana

Copy to:

1. All Ministries and Deptts. of Govt. of India
2. All State Govts. And Union Territories (Tech. Edu. Deptts.).
3. All Director of Technical Education.
4. Regional Offices of the Ministry of Human Resource Development.
5. UPSC with 5 spare copies.
6. SSC, CGO Complex, Lodhi Road, New Delhi.
7. Association of Indian Universities, 16 Kotla Marg, New Delhi-2.
8. DPIO (Ministry of HRD).
9. All State Public Service Commission.
10. All Boards of Apprenticeship Training.
11. All concerned Universities/Institutions.

[2]

(TO BE PUBLISHED IN THE GAZETTE OF INDIA PART-I SECTION-I)

No. F9-26/94-U.3
Government of India
Ministry of Human Resource Development
Department of Secondary Education and Higher Education

Shastri Bhawan, New Delhi
March 15, 2000

NOTIFICATION

In exercise of the powers conferred by Section 3 of the University Grants Commission Act, 1956 (3 of 1956), the Central Government, on the advice of the University Grants Commission, hereby declare the Allahabad Agricultural Institute, Allahabad as Deemed to be University for the purpose of the aforesaid Act with immediate effect

Sd/-
(Champak Chatterji)
Joint Secretary to the Government of India

The manager,
Government of India Press
Allahabad,
Uttar Pradesh

For information to

1. The Secretary, University Grants Commission, New Delhi with 15 copies
2. The Secretary-General, Association of Indian Universities, AIU House, 16, Kotla Marg, New Delhi-110002.
3. Agriculture Production Commissioner, Government of Uttar Pradesh, Lucknow.
4. The Secretary, Government of UP, Department of Agriculture, Lucknow.
5. The Indian Council of Agricultural Research, New Delhi.
6. The Secretary, Government of UP, Deptt. of Higher Education, Lucknow
7. Dr. Rajendra B Lal, Director, Allahabad Agricultural Institute, Allahabad- 211007.
8. Registrars of all Universities and Deemed Universities.
9. All Ministries and Departments of the Government of India.
10. State Governments and Union Territories.
11. Press Information Bureau, New Delhi.
12. The Prime Minister's Office, South Block, New Delhi.
13. Parliament Library.
14. Legislative Deptt (Leg III Section)
15. Secretary General, Lok Sabha.
16. Secretary General, Rajya Sabha.
17. All officers in the Ministry.
18. Guard File.

Sd/-
(A K Chaturvedi)
Under Secretary to the Government of India

[3]

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इन्दिरा गांधी राष्ट्रीय मुक्त विश्वविद्यालय
INDIRA GANDHI NATIONAL OPEN UNIVERSITY

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टेलीफैक्स TELEFAX: 91-11-29536868
ई-मेल E-mail : basuswaraj@hotmail.com
वेबसाइट WEBSITE : www.ignou.ac.in/www.dcc.ac.in

DISTANCE EDUCATION COUNCIL

प्रो० स्वराज बसु
निदेशक
Prof. Swaraj Basu
Director

F.No.DEC/A-200/06
CC:A2-AAJ-4/54
Dated: 29.08.07

Sub: Ex-Post-Facto Recognition- reg.

Dear Sir,

This has reference to your application requesting for one time ex-post-facto recognition for programmes offered under distance mode.

In connection with ex-post-facto recognition, we would like to convey that all programmes (that were approved by the statutory bodies of your institute) are approved till date. As you have not been offering education through distance mode since 2005, all your programmes (approved by the statutory bodies of your institute) till 2005 happen to be approved by the DEC.

However, for recognition of your institution for offering programmes through distance mode from next academic year i.e. from June-July, 2008, you are requested to submit fresh application in the prescribed format developed by DEC

With regards,

Yours sincerely,
Swaraj Basu
(Swaraj Basu)

Prof.(Dr) Rajendra B. Lal
Vice-Chancellor
Allahabad Agricultural Institute-Deemed University
Allahabad 211 007
Uttar Pradesh

Ph. 23236351, 23232701, 23237721, 23234116
23234733, 23232317, 23236735, 23239437

www.ugc.ac.in

F.No.6-1(6)/2006 (CPP-1)

To

The Registrar,
All Universities (List Attached)

Sub: Ban on Physiotherapy Course through Distance Education Mode.

Sir,

It has come to notice of the Government of India, Ministry of HRD and University Grants Commission that some universities in the country are conducting certificate/Diploma/Under Graduate/Post Graduate courses in Physiotherapy through distance education mode. The UGC has taken a serious view of this practice of conducting distance education programme in the subjects with a large component of practical teaching. With regard to distance education programme in Physiotherapy, a court case is also pending in Delhi High Court.

Further, the Hon'ble Delhi High Court in the matter of Indian Association of Physiotherapists vs Union of India & Ors (WP (Civil) No. 2403/2004 and CM No. 15537-38/05 & 15592/05) vide orders dated 3rd January, 2007 prima facie opined that a professional course must also impart practical training and, therefore, professional courses and education should not be allowed to be imparted through the distance education system. Accordingly, the UGC has also decided that course in Physiotherapy at any level should not be conducted through distance education mode.

Kindly acknowledge the receipt of this letter and ensure compliance in this regard.

Yours faithfully,

(Signature)
(V.K. Jaiswal)
Deputy Secretary

- Copy to:
1. The Chairman, Distance Education Council, IGNOU, New Delhi - 110 068
 2. The Secretary, Govt. of India, Ministry of HRD, Department of Higher Education, Shastri Bhawan, New Delhi - 110 001
 3. All Regional Offices, UGC
 4. JS(SU/CU/DU/RO), UGC, New Delhi
 5. JS (Legal), UGC, New Delhi
 6. The Publication Officer, UGC, New Delhi - for posting at the UGC Website.

(Signature)
(V.K. Jaiswal)
Deputy Secretary



SPEED POST

17 MAY 2010

14 May, 2010

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खु-5 (Series)

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