

COURT NO. 1
ARMED FORCES TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

OA 3279/2023

Sgt Anil Kumar Maliek (Retd) Applicant
Versus
Union of India & Ors. Respondents

For Applicant : Mr. Tatsat Shukla, Advocate
Mr. Dhiraj Kumar, Advocate
For Respondents : Mr. S.S. Sinha, Advocate

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HON'BLE MR. JUSTICE RAJENDRA MENON, CHAIRPERSON
HON'BLE REAR ADMIRAL DHIREN VIG, MEMBER (A)

O R D E R

Invoking the jurisdiction of this Tribunal under Section 14 of the Armed Forces Tribunal Act, 2007, the applicant has filed this application and the reliefs claimed in Para 8 read as under:

“(a) To direct the respondents to issue the Diploma Certificate for Electrical Engineering as per format annexed as Annexure A-4.

“(b) To pass any other order or direction in favor of applicant which may be deemed just and proper under the facts and circumstances of this case in the interest of justice.”

2. The applicant was enrolled in the Indian Air Force on 16.06.2003 and served in the Trade of Instrument Fitter. After serving for 20 years, the applicant got discharged from service on 30.06.2023 and was granted all retiral benefits. The

applicant's grievance is that he has been issued with a Diploma Certificate for the trade of Instrument Trade whereas certain Air Warriors similarly situated like him up to 31.12.2022 were issued Diploma Certificate for Electrical Engineering, accordingly, placing reliance on Office Memorandum dated 22.07.1977 issued by Ministry of Education and Social Welfare, Govt. of India which was nothing but modification of earlier Office Memorandum dated 06.12.2012 issued by Ministry of Human Resource Development, Department of Higher Education, the applicant claims that he represented to the Directorate of Air Veterans (DAV) through E-mail dated 05.07.2022 for issuing a Diploma Certificate in Electrical Engineering. However, the DAV rejected the same vide E-mail dated 11.07.2023 stating that All India Council For Technical Education (AICTE) has approved Diploma Certificate for the trade of Instrument Fitter Trade as Diploma in Instrumentation Engineering and the claim of the applicant to issue Diploma Certificate in Electrical Engineering cannot be granted. Again when the applicant represented, the impugned order at Annexure A-1 has been passed on 11.07.2023 and, therefore, the applicant is before this Tribunal.

3. It is the case of the applicant that all the Air Veterans who retired up to 31.12.2022 were issued with Diploma as per the format specifically provided for Electrical Engineering but in the case of the applicant, he is not being provided the Diploma Certificate for Electrical Engineering. According to the applicant, earlier Diploma Certificates were issued as per Office Memorandum dated 22.07.1977 issued by Ministry of Education and Social Welfare, Govt. of India and the Ministry of Human Resource Development, Department of Higher Education dated 06.12.2012 [Annexure A-5 (Colly)] but now, the same has been changed and the respondents in an arbitrary manner are not awarding the Diploma Certificate for Electrical Engineering but are only granting Diploma Certificate in Instrument Engineering which is not proper. Accordingly, claiming the benefit of issuance of certificate in Diploma Engineering, the applicant has invoked the jurisdiction of this Tribunal.

4. Respondents have filed a detailed counter affidavit and it is their contention that the applicant was enrolled in the Indian Air Force on 16.06.2003 and was discharged on 30.06.2023 after fulfilling the conditions of employment and was granted service pension. According to the respondents, the AICTE, a

statutory body, has issued a Memorandum and circular on 10.03.2003 (Annexure R-1) in consonance with the Air HQs letter dated 12.11.2018 (Annexure R-2) and based on this policy of the AICTE, the Diploma Certificate in Instrument Engineering was granted to the applicant. The respondents further submitted that Diploma in Electrical Engineering Certificates were being issued to Instrument Fitters who were enrolled prior to 10.03.2003 under the authority of Govt. of India, Ministry of Education and Social Welfare letter dated 22.07.1977 (Annexure R-3) but now when the AICTE, the statutory authority has issued the policy vide letter dated 10.03.2003 and when the recognition granted to the Air Force Institute is for the purpose of granting Diploma Certificate in Instrument Engineering and when the applicant underwent the course in Instrument Engineering, he cannot claim a Certificate in Diploma in Electrical Engineering and on the said ground the claim of the applicant has been rejected.

5. We have heard learned counsel for the parties and we have perused the records.

6. The AICTE is a statutory body empowered under law, namely, the All India Council for Technical Education Act, 1987, to coordinate development and regulate the technical

education in India. The said statutory authority is empowered under Section 10 to lay down norms and standards for courses, curriculum and such other facets of technical education and is also empowered to advise the Central Government in the matter of grant of character to many professional bodies and institutes in the matter of technical education. Section 22(1) of the UGC Act, 1956, mandates that a degree in education can be granted only by those institutes which satisfy the description given in Section 21 and the mandate of parliamentary legislation issued in this regard. Accordingly, in the light of the law laid down in the matter of regulating the standards and norms for technical education, it is the AICTE which is the prescribed authority to prescribe and lay down norms and regulate technical education. Vide letter of approval at Annexure R-1 dated 10.03.2003, the AICTE approved various institutes under the Indian Air Force to conduct Diploma Programs in the Technology/Engineering. The letter of approval dated 10.03.2003 is available on record as Annexure R-1 and it says that the AICTE in accordance to the statutory powers conferred upon it is pleased to accord approval to various institutions functioning under the Indian Air Force to conduct Diploma Programs in Engineering/Technology w.e.f. the academic year 2002-2003 for a period of 05 years as per

the details stipulated therein. Under Serial No.1 of the said approval, the courses of Electrical Fitter, Instrument Fitter, Missile Fitter (E), PMF (E) and Photo Fitter, etc., have been authorised to the Electrical & Instrumentation Training Institute, AF Station Jalahalli (East), Bangalore – 14, Karnataka, and the name of the course or trade which can be undertaken by the said institute is Electrical Fitter and Instrument Fitter and the permissible annual intake of candidates are 400 each. In Column No.3, the name of the Diploma approved by the AICTE to be granted for Diploma Trade is indicated and for the Trade of Instrument Fitter, the Diploma granted is Diploma in Instrumentation Engineering whereas in the case of Electrical Fitter, the Diploma granted as per this approval is Diploma in Electrical Engineering. A perusal of this documents clearly goes to show that approval has been granted by the AICTE to the Air Force Institutes to conduct the courses and as far as Instrument Fitter's course is concerned, for the academic year 2002-2003 for a period of five years, the institute in Bangalore as detailed in Serial No.1 was authorised a conduct course in Instrument Fitter and a Diploma to be awarded for such course was Diploma in Instrument Engineering.

7. Admittedly, the applicant was appointed in the Indian Air Force after coming into force of this approval dated 03.03.2003 on 16.06.2003 and as is evident from the material available on record, he underwent the Course in Technical Trade of Instrument Engineering and was accordingly rightly issued with the Diploma Certificate in Instrument Engineering. It is clear from the records that the applicant underwent the course after the policy dated 10.03.2003 came into force and he was admitted to undertake a course in Instrument Engineering and rightly so he has been awarded the Diploma in Instrument Engineering based on the recognition and approval granted by the AICTE. Merely because prior to 10.03.2003, if some IAF personnel have been granted the certificate of Electrical Engineering, the same cannot be as a matter of right to be claimed by the applicant. The AICTE being the Statutory Authority authorised under law to regulate technical education and the institute under the Indian Air Force at Bangalore from where the applicant underwent the course in the Trade Instrument Fitter was rightly granted the Diploma Certificate in Instrument Engineering in accordance to the letter of approval granted to the institute and in doing so, we are of the considered view that the respondents have not committed any error.

8. The contention of the applicant based on the Office Memorandums issued on 22.07.2007 by the Ministry of Education and Social Welfare and on 06.12.2012 by the Ministry of Human Resource Development Department of Higher Education will not be taken into consideration as a criteria for awarding a Diploma Certificate in Electrical Engineering to the applicant for the simple reason that the Ministry of Human Resources Development has no authority to award any such equivalence or certificate. It can only be done by the Statutory Authority recognised and established under law to do so. The AICTE being the Statutory Authority empowered under law to regulate the Technical Education by virtue of the powers conferred under Section 10 of the AICTE Act, we see no reason to interfere into the matter. These aspects and other issues have already been considered by a Hon'ble Division Bench of the Hon'ble Delhi High Court in the case of *Yashpal Singh Jadeja Vs. All India Council For Technical Education (AICTE) & Anr.*, LPA No.535/2022 decided on 03.07.2024 and it has been clearly laid down by the Hon'ble Delhi High Court in the aforesaid case that based on the Memorandum issued by the Ministry of Human Resources or Education Department, equivalency or certificate or Diploma in an Engineering subject

cannot be granted based on Memorandums and orders passed by the Govt. of India. It has been held by the Hon'ble Division Bench in the aforesaid case that the power to regulate technical education and lay down norms, curriculum, etc., for Technical Education are available only to the AICTE and, therefore, relying upon various judgements on the issue and it has been held by the Hon'ble High Court based on the law laid down in the case *Orissa Lift Irrigation Corporation Limited* Vs. *Rabi Sankar Patro & Ors.* [(2018) 1 SCC 468] that AICTE is the sole repository of power to lay down parameters or equivalent norms for technical education and it is within the exclusive domain of the AICTE for the purpose of considering the issues of Technical Education, grant of decree, diploma, etc. In Para 35 of its judgement, the Hon'ble Delhi High Court clearly laid down that the Ministry of Human Resources Development has no authority to grant any equivalence or deal with the issues pertaining to Technical Education. That being the legal position, once the norms for conducting Technical Education is decided by the AICTE and when in the letter of approval granted to the Electrical and Instrumentation Training Institute of the Indian Air Force situated in Bangalore on 10.03.2003 for the trade in course of Instrument Fitter, the Diploma to be granted is

approved and clarified as Diploma in Instrument Engineering in violation to the said mandate of the AICTE, no direction or relief can be granted to the applicant.

9. Accordingly, in the facts and circumstances of the case and the policy laid down in the letter of approval and the stipulations contained in the letter of approval dated 10.03.2003, the respondents have correctly granted the Diploma Certificate to the applicant and there is no error in the same warranting any interference into the matter.

10. Therefore, the OA stands dismissed.

11. No order as to costs.

12. Pending miscellaneous application(s), if any, stands closed.

Pronounced in open Court on this 7th day of April, 2026.

**[JUSTICE RAJENDRA MENON]
CHAIRPERSON**

**[REAR ADMIRAL DHIREN VIG]
MEMBER (A)**

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