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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21-07-2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

WA No. 2003 of 2026

and

C.M.P.No.17462 of 2026

1. The Chairman
Tamil Nadu Generation and Distribution
Corporation Ltd
(TANGEDCO)
Rep by its Chairman and Managing Director
No 144 Anna Salai
Chennai 600 002.
2. The Secretary
Tamil Nadu Generation and Distribution
Corporation Ltd TANGEDCO No 144 Anna
Salai Chennai 600 002
3. The Chief Internal Audit Officer
Audit Branch Tamil Nadu Generation and
Distribution Corporation Ltd NPKRR Maligai
1st Floor No 144 Anna Salai Chennai 600 002

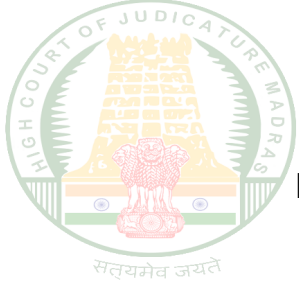
..Appellant(s)

Vs

S. P. Chandra
D/o.S.K.Perumal,
Auditor,
Chennai South Region, Auditing Branch,
Tamil Nadu Generation and Distribution
Corporation Ltd, (TANGEDCO),
Chennai 2.

..Respondent(s)

To set aside the order dated 26.03.2025 passed in WP No.24667
of 2018 and pass such further or other orders as this Honourable Court.



For Appellant(s):

Mr.G.Anandakrishnan Gopalan,
for M/s.Advit Law Chambers

For Respondent(s):

Mr.S.Nedunchezhiyan

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JUDGMENT**(Judgment of the Court was delivered by S.M.Subramaniam J.)**

By consent of the parties, the writ appeal is taken up for final disposal.

2. The present intra-Court Appeal under Clause 15 of Letters Patent has been instituted by TANGEDCO, challenging the writ order dated 26.03.2025 passed in W.P.No.24667 of 2018.

2. The respondent has instituted the writ petition challenging the order of TANGEDCO declining promotion to the post of Assistant Audit Officer by including the name of the respondent in the panel of the year 2010 and promote her on par with her junior.

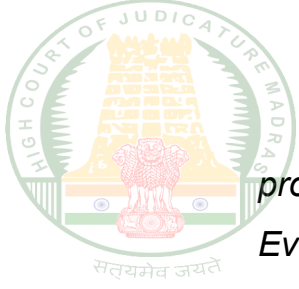
3. The facts in nutshell necessary for consideration are that the respondent was initially appointed as Helper on consolidated pay. Her services was regularised in the post of Junior Assistant in the year 1995. Selection Grade was awarded for the post of Junior Assistant on completion of 10 years of service. She was posted as Junior Auditor in the Audit Branch in the year 2005. The respondent was further promoted to the post of Auditor in the year 2006. The next avenue for promotion is Assistant Audit Officer. The panel of Junior Auditors fit for promotion to the post of Assistant Audit Officer of the year 2010 was published. However, the name of the respondent was not included on the ground that she did not study B.Com. degree by following



regular pattern of education i.e., 10+2+3. The respondent secured degree through Open University System which is invalid. Challenging the said order, the writ petition came to be instituted. The writ Court allowed the writ petition.

4. Learned counsel for the appellants would submit that admittedly, the respondent has not completed the degree through regular education pattern of 10+2+3. She secured B.Com., through Open University System which was held invalid by the Hon'ble Supreme Court of India. Pertinently, the Government, in implementation of the orders of the Hon'ble Supreme Court of India, passed G.O.Ms.No.107, P&AR Department dated 18.08.2009 and G.O.Ms.No.116 P&AR Department dated 18.08.2010. Both the Government Orders are adopted by the TANGEDCO Board. Thus, the employees who have completed degree through Open University System is not eligible to secure appointment or promotion after the judgment of the Hon'ble Supreme Court which was implemented by the TANGEDCO.

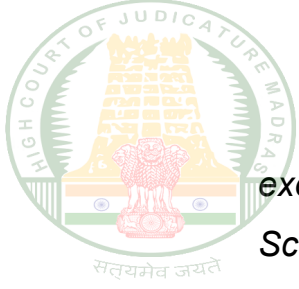
5. The validity of the Open University degree was decided in the case of **Annamalai University vs. Secretary to Government, Information and Tourism Department and others reported in 2009(4) SCC 590**. The said order of the Hon'ble Apex Court was implemented by the Government and adopted by TANGEDCO. Thus, after the judgment, the Open University degree candidates are ineligible to secure public employment or further promotion in the Department. The Division Bench of this Court in the case of **Government of Tamilnadu vs. R.J.Gajendrakumar** passed in **W.A.No.1789 of 2022 dated 06.06.2023**, considered the same and held as follows:



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16. *It is well settled principle that at the time of promotion, the existing Government Order has to be applied. Even though the respondent herein was not eligible to be appointed as Tourist Officer in the year 2011 and the panel was not informed about the fact that the respondent had not completed the degree course in 10 +2 +3 pattern, he was erroneously given promotion to the post of Tourist Officer. However, this court cannot precipitate this issue further, by applying the settled law that any G.O / Rules issued by the Government is only prospective in nature and the same will not affect the persons, those who are already in service. Thus, leaving the aspect of granting promotion to the respondent to the post of Tourist Officer, this court is of the opinion that he is not fit to be further promoted to the post of Assistant Director of Tourism, without being qualified for the feeder category post of Tourist Officer. Consequently, the contention raised on the side of the respondent that the UGC regulations are not applicable to the case of the respondent, since he had completed the foundation course in 1984, cannot be countenanced by this court, as the decision of the Government prescribing the pattern of 10 + 2 + 3 education, for the purpose of appointment / promotion in the public services, has been upheld by the Hon'ble Supreme Court in various decisions. Therefore, this court is inclined to interfere with the order of the learned Judge.*

6. Similarly, in the case of **Annamalai University Vs. Secretary to Government, Information and Tourism Department and others** reported in **(2009) 4 SCC 590**, the Hon'ble Supreme Court has held as follows:

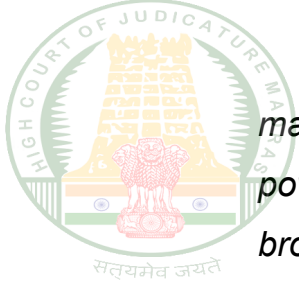


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“40.The UGC Act was enacted by Parliament in exercise of its power under Entry 66 of List I of the Seventh Schedule of the Constitution of India whereas the Open University Act was enacted by parliament in exercise of its power under Entry 25 of List III thereof. The question of repugnancy of the provisions of the said two Acts, therefore, does not arise. It is true that the statement of objects and reasons of the Open University Act shows that the formal system of education had not been able to provide an effective means to equalise educational opportunities. The system is rigid inter alia in respect of attendance in classrooms. Combinations of subjects are also inflexible.

41.Was the alternative system envisaged under the Open University Act in substitution of the formal system, is the question. In our opinion, in the matter of ensuring the standard of education, it is not. The distinction between a formal system and an informal system is in the mode and manner in which education is imparted. The UGC Act was enacted for effectuating coordination and determination of standards in universities. The purport and object for which it was enacted must be given full effect.

42.The provisions of the UGC Act are binding on all universities whether conventional or open. Its powers are very broad. The Regulations framed by it in terms of clauses (e), (f), (g) and (h) of sub-section (1) of Section 26 are of wide amplitude. They apply equally to open universities as also to formal conventional universities. In the matter of higher education, it is necessary to maintain minimum standards of instructions. Such minimum standards of instructions are required to be defined by UGC. The standards and the coordination of work or facilities in universities must be



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maintained and for that purpose required to be regulated. The powers of UGC under Sections 26(1)(f) and 26(1)(g) are very broad in nature. Subordinate legislation as is well known when validly made becomes part of the Act. We have noticed hereinbefore that the functions of UGC are all-pervasive in respect of the matters specified in clause (d) of sub-section (1) of Section 12-A and clauses (a) and © of sub-section (2) thereof.

43. Indisputably, as has been contended by the learned counsel for the appellant as also the learned Solicitor General that the open University Act was enacted to achieve a specific object. It opens new vistas for imparting education in a novel manner. Students do not have to attend classes regularly. They have wide options with regard to the choice of subjects but the same, in our opinion, would not mean that despite a parliamentary Act having been enacted to give effect to the constitutional mandate contained in Entry 66 of List I of the Seventh Schedule to the Constitution of India, activities and functions of the private universities and open universities would be wholly unregulated.

44. It has not been denied or disputed before us that in the matter of laying down qualification of the teachers, running of the University and the matters provided for under the UGC Act (sic the Regulations) are applicable and binding on all concerned. The Regulations framed, as noticed hereinbefore, clearly aimed at the open universities. When the regulations are part of the statute, it is difficult to comprehend as to how the same which operate in a different field would be ultra vires the parliamentary Act. IGNOU has not made any regulation; it has not made any ordinance. It is guided by the Regulations framed by UGC. The validity of the



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provisions of the Regulations has not been questioned either by IGNOU or by the appellant University. From a letter dated 5-5 2004 issued by Mr.H.P.Dikshit, who was not only the Vice Chancellor but also the Chairman of DEC of IGNOU it is evident that the appellant University has violated the mandatory provisions of the Regulations.

45.The amplitude of the provisions of the UGC Act vis-a vis the universities constituted under the State Universities Acts which would include within its purview a university made by Parliament also is now no longer res integra.

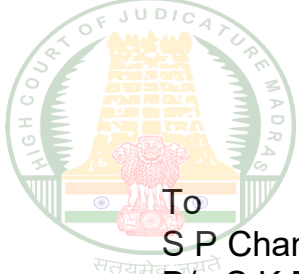
7. In the present case, the respondent has already retired from service in the year 2023 on attaining the age of superannuation. Therefore, grant of promotion to the post of Assistant Audit Officer would not arise at all. The decision of the appellant that the respondent is ineligible for promotion based on the Open University degree is in consonance with the judgment of the Hon'ble Supreme court as well as the Government Orders adopted by the TANGEDCO.

8. For all these reasons, the writ order impugned dated 26.03.2025 passed in W.P.No.24667 of 2018 is set aside and the Writ Appeal stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

(S.M.S.,J.) (N.S.,J.)
21-07-2026

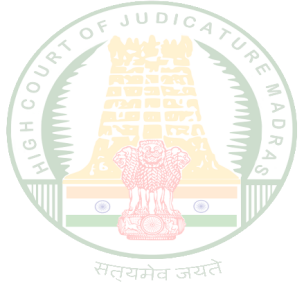
Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

VSI



To
S P Chandra
D/o.S.K.Perumal,
Auditor,
Chennai South Region, Auditing Branch,
Tamil Nadu Generation and Distribution
Corporatiion Ltd, (TANGEDCO),
Chennai 2.

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**S.M.SUBRAMANIAM, J.
and
N.SENTHILKUMAR, J.**

vsi

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