

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.04.2016

CORAM:

THE HON'BLE MR. JUSTICE T.RAJA

W.P.No.26343 of 2015

1.K.Kumar
2.S.Kanivalan

... Petitioners

Vs

1. The Commissioner,
Corporation of Chennai,
Rippon Building,
Chennai - 600 003.
2. The Assistant Commissioner,
General Administration and Personnel,
Corporation of Chennai,
Rippon Building, Chennai - 600 003.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus to call for the records on the file of the second respondent in his proceedings Po.Thu.Na.Ka.No.E4/55616/2014, dated 20.02.2015, and quash the same insofar as the writ petitioners and direct the respondents to promote the petitioners to the post of Junior Engineer (Electrical) on par with juniors.

For petitioners : Mr.M.Vijayakumar

For Respondents : Mr.S.Saravanan

O R D E R

By way of filing this writ petition, the petitioners seek to quash the impugned order passed by the second respondent / the Assistant Commissioner, General Administration and Personnel, Corporation of Chennai, Chennai, vide his proceedings dated 20.02.2015, in and by which, the claim of the petitioners for promotion to the post of Junior Engineer (Electrical) was rejected on the ground that they pursued the Diploma in Electrical Engineering through Open University.

2. Heard the learned counsel appearing on either side.

3. The claim of the petitioners is that while they were working in the post of Assistant Engineer, they have applied for permission to pursue Diploma in Electrical Engineering and on getting prior permission, they have pursued the Diploma in Electrical Engineering conducted by the Indira Gandhi National Open University on full time programme during the year 2010-2011 and 2011-2012. While that being so, the respondents ought not to have rejected the claim of the petitioners for promotion on the wrong presumption that they have acquired the diploma through distance education mode and not through regular stream.

4. Learned counsel appearing for the petitioners, by producing the statement of marks in Diploma in Electrical Engineering of the petitioners, submitted that they have completed the course successfully only on full time basis.

5. Learned standing counsel appearing for the respondent Corporation, by filing a counter affidavit, fairly stated that insofar as the second petitioner is concerned, as he has acquired requisite qualification of 10th, +2 and Diploma in Electrical Engineering, he can be considered for promotion, however, the first petitioner cannot be considered for promotion as he has passed only 10th standard and obtained Diploma in Electrical Engineering through Open University.

6. In such view of the matter, recording the above said submission of the learned counsel for the respondent Corporation, this Court directs the respondents to promote the second petitioner to the post of Junior Assistant (Electrical) on par with his juniors. In respect of the first petitioner, the respondents are directed to give him promotion if he is otherwise qualified for the said post by studying Diploma in Electrical Engineering on regular stream. Such exercise shall be done by the respondents within a period of four weeks from the date of receipt of a copy of this order.

7. With the above directions, the writ petition stands disposed of. No Costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

rkm

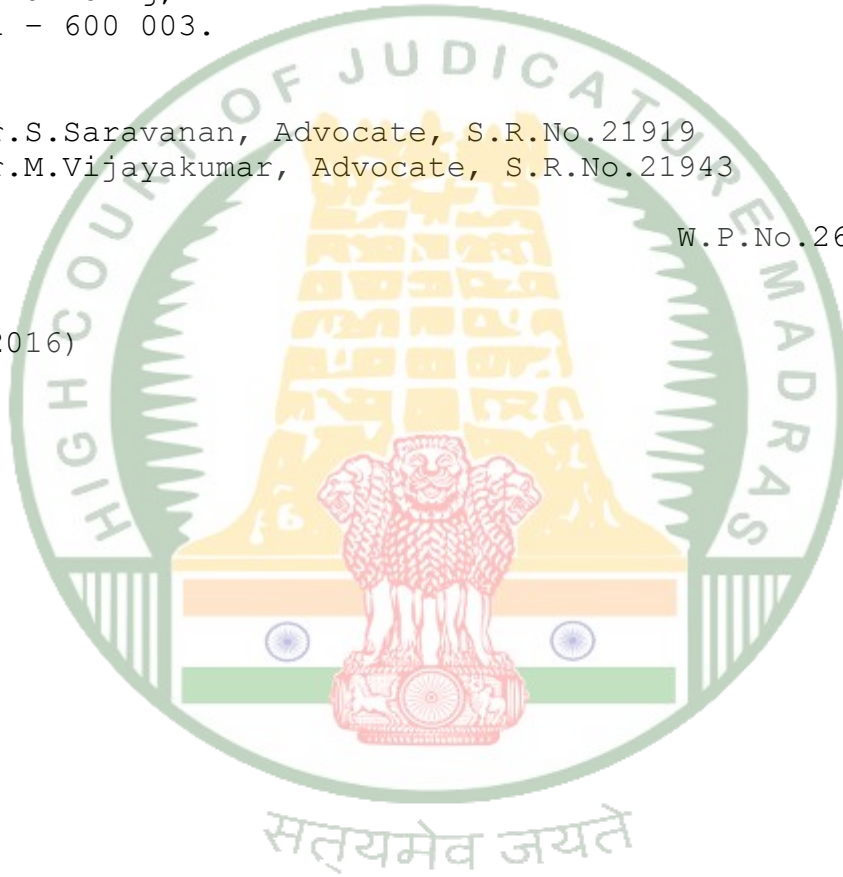
To

1. The Commissioner,
Corporation of Chennai,
Rippon Building,
Chennai - 600 003.
2. The Assistant Commissioner,
General Administration and Personnel,
Corporation of Chennai,
Rippon Building,
Chennai - 600 003.

+1cc to Mr.S.Saravanan, Advocate, S.R.No.21919
+1cc to Mr.M.Vijayakumar, Advocate, S.R.No.21943

W.P.No.26343 of 2015

RK(CO)
CA(12/05/2016)



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