

In the High Court of Judicature at Madras

Dated:11.03.2016

Coram:

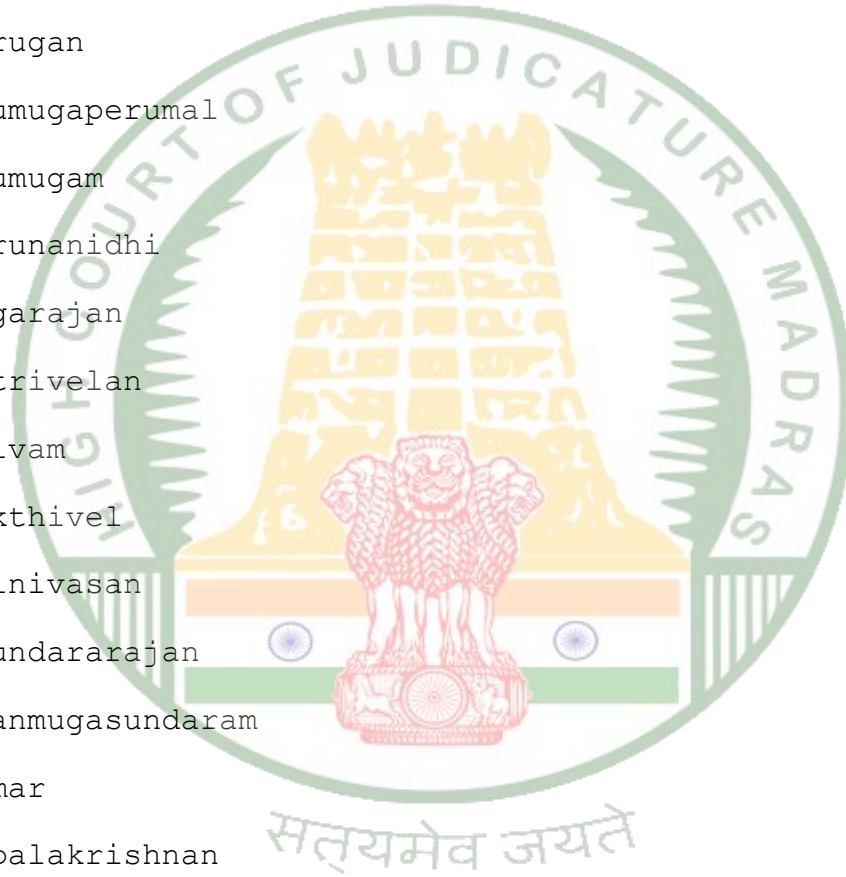
The Honourable Mr.Justice T.RAJA

Writ Petition No.27800 of 2014

and

M.P.Nos.1 of 2014 and 1 & 2 of 2015

- 1 A.Murugan
- 2 D.Arumugaperumal
- 3 V.Arumugam
- 4 C.Karunanidhi
- 5 S.Nagarajan
- 6 G.Vetrivelan
- 7 S.Selvam
- 8 P.Sakthivel
- 9 N.Srinivasan
- 10 P.Soundararajan
- 11 T.Shanmugasundaram
- 12 R.Kumar
- 13 P.Gopalakrishnan
- 14 R.Selvi
- 15 M.P.S.Bharanetharar @ P.Bharanetharar
- 16 R.Balan
- 17 K.V.Balasubramaniam
- 18 T.Kamali
- 19 R.Karunagaran



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20 R.Rajmohan (P.Rajmohan in the impugned order)

21 M.Maheswaran

22 V.Santhasezhiyan

... Petitioners

Vs.

1 The Principal Secretary to Government of Tamil Nadu
CRD & PR (Trg) and DRD & PR (FAC)
Rural Development and Panchayat Raj Department
Fort St. George, Chennai-9.

2 The Director of Rural Development and Panchayat Raj
Chennai-15.

3 The Secretary
Tamil Nadu Public Service Commission
M.M.C.Hostel Road, Chennai-3.

4 The District Collector
Villpura District

5 The District Collector
Namakkal District

6 The District Collector
Erode District

7 The District Collector
Vellore District

8 The District Collector
Thiruvannamalai District

9 The District Collector
Kancheepura District

10 The District Collector
Tiruppur District

11 The District Collector
Thiruvarur District

12 The District Collector
Thanjavur District

13 The District Collector
Dindugal District

14 The District Collector
Trichy District

15 The District Collector
Ramnad District

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus calling for the records of the first respondent culminating in its Proceedings No. 24333/12/EE2-1 dated 23.09.2014 No. 24333/12/EE2-2 dated 23.09.2014 and No. 24333/12/EE2-3 dated 23.09.2014 quash the same and to direct the 1st respondent to promote the petitioners herein as per their original seniority to the posts of Assistant Engineers in the existing vacancies in the Rural Development and Panchayat Raj Department, Government of Tamil Nadu.

For Petitioners ... Mr.V.Raghupathi

For Respondents 1, 2 ... Mr.S.Gunasekaran
and 4 to 15 Additional Government Pleader

For Respondent - 3 .. Mr.M.Devendran

ORDER

All the petitioners aggrieved by the impugned orders dated 23.09.2014 have come to this Court challenging the same on the ground that the respondents have failed to consider their case on the basis of G.O.Ms.No.242, Higher Education Department dated 18.12.2012.

2. The learned counsel for the petitioners would submit that as per the said Government Order in G.O.Ms.No.242, Higher Education Department dated 18.12.2012, the B.E. / B.Tech degree obtained from Open University or Distance Education after studying SSLC and three years Diploma or two years I.T.I. is equivalent to B.E. / B.Tech Degree obtained from regular University. Since the petitioners after completing Diploma/I.T.I, obtained B.E. / B.Tech Degree Course through Distance Education Centre of Anna University and AMIE apart from Rajasthan Vidyapeeth (Deemed) University and more particularly, they have complied with the conditions imposed in G.O.Ms.No.242, Higher Education Department dated 18.12.2012, the respondents cannot refused to consider them for promotion on the ground that the petitioners are still ineligible.

3. The learned counsel for the petitioners by filing additional typed set of papers would further submit that all the petitioners have first passed SSLC and thereafter obtained

Diploma/I.T.I in Civil Engineering through regular course and only thereafter, they have obtained permission from the Department to pursue higher studies in B.E. / B.Tech and some of the petitioners have obtained B.E. Degree and some of the petitioners have obtained B.Tech Degree. The learned counsel for the petitioners would also submit that when the respondents have granted permission to pursue B.E. / B.Tech Degree Course, it shows that they are eligible to pursue higher qualification. Therefore, the petitioner's case has to be considered in the light of G.O.Ms.No.242, Higher Education Department dated 18.12.2012.

4. A detailed counter has been filed by the second respondent on behalf of all other respondents (except 3rd respondent).

5. The Madurai Bench of this Court in similar circumstances, considering the identical facts in W.P. (MD) No.8384 of 2015 passed the following order:-

"4. This Court is not able to see any merits in the submission of the learned Additional Government Pleader for the following reasons:-

The ground on which the name of the petitioner was withheld is that he obtained Diploma in Civil Engineering Certificate from Karnataka State Open University. A perusal of the list of the Universities recognised by the UGC shows that Karnataka State Open University has been recognised as one of the Universities in the State of Karnataka. Secondly, the petitioner has also obtained prior permission from the Department to study Diploma in Civil Engineering Course. Thirdly, in G.O.Ms.No.242, Higher Education (B1) Department dated 18.12.2012, it has been specifically stated that the Diploma certificate obtained through Open University is equivalent to regular stream and the same is eligible for employment and promotion. Fourthly, a perusal of the copy of the Results of Departmental Examinations held in May 2015 shows that the petitioner - Mr.M.Balusamy has passed the departmental examinations in Code No.204. Thus, the petitioner was fully qualified. When that be the position, the non consideration of the petitioner for promotion, in my considered view, is untenable. Therefore,

the impugned promotion panel in Na.Ka.No.Nu13/20413/2015-1, dated 12.05.2015 is set aside insofar as the respondents 3 to 5 are concerned and the second respondent is directed to include the petitioner's name in appropriate place and promote him with service and monetary benefits, in accordance with law.'

6. Since all the petitioners have passed SSLC and thereafter have acquired Diploma/I.T.I in Civil Engineering and after obtaining proper permission from the Department, some of the petitioners have obtained B.E. (Civil Engineering) Degree and some of the petitioners have obtained B.Tech., Degree, the respondents are directed to consider whether the petitioners have complied with the conditions mentioned in G.O.Ms.No.242, Higher Education Department dated 18.12.2012, and if so, the respondents are directed to give them promotion.

7. With the above direction, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.
mra

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

- 1 The Principal Secretary to Government of Tamil Nadu
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Ramnad District.

+ 1 cc to Mr.M.Devendran, Advocate Sr 16267

+ 1 cc to Mr.V.Raghupathi, Advocate Sr 15832

+ 1 cc to The Govt.Pleader, Sr 16326

KR/4/4/16

सत्यमेव जयते Writ Petition No.27800 of 2014
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