



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.11.2018

CORAM:

THE HONOURABLE MR. JUSTICE K.K. SASIDHARAN

and

THE HONOURABLE MR. JUSTICE P.D. AUDIKESAVALU

W.A. [MD] No. 1608 of 2018

Against in WP (MD) 848 of 2018

and

C.M.P. [MD] No. 11712 of 2018

D. Ramesh

: Appellant/Petitioner

Vs.

1. The Chief Engineer (Personnel),
Tamil Nadu Generation and Distribution
Corporation,
8th Floor, No. 144, Anna Salai,
Chennai-600 002.

2. The Superintending Engineer,
Theni Electricity Distribution Circle,
Theni.

: Respondents/Respondents

PRAYER: Writ Appeal is filed under Clause 15 of Letters Patent against the order of Writ Court dated 28.02.2018, made in W.P. (MD) No. 848 of 2018.

Prayer in WP (MD). 848/ 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari calling for the records relating to the impugned order of the 1st respondent in Memo No. 008069/18/G.3/G.31/2017-3 dated 09/11/2017, quash the same and consequently direct the respondents herein to forthwith include the name of the petitioner in the seniority list for his next promotion to the post of Junior Engineer Electrical Grade -II.

For Appellant : Mr. K. Appadurai

J U D G M E N T

[Judgment of the Court was delivered by **K.K. SASIDHARAN, J.**]

The appellant acquired the qualification in Engineering through distance education. The qualification was not recognised as a valid degree by the Tamil Nadu Generation and Distribution Corporation. The order passed by the Tamil Nadu Generation and Distribution Corporation Limited, dated 09 November, 2017, treating the appellant ineligible for promotion to the post of Junior Engineer/Electrical II Grade, based on the diploma in Electrical Engineering through distance education was unsuccessfully challenged before the learned Single Judge. Feeling aggrieved, the appellant has come up with this intra-Court appeal.



2. There is no dispute that the appellant acquired the qualification in Engineering only through distance education. Such a qualification was not recognised as an eligible qualification for promotion to the post of Junior Engineer/Electrical II Grade. It is not within the province of the Court to direct the employer to recognise a particular qualification, notwithstanding the Regulation, which provides that for promotion to the post of Junior Engineer, the candidate must have obtained the degree through regular stream. The appellant, having obtained the diploma in Electrical Engineering through distance education, was not entitled for promotion. The employer was, therefore, justified in rejecting the claim for promotion. The learned Single Judge was equally correct in dismissing the Writ Petition.

3. In the upshot, we dismiss the intra-Court appeal. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar(CS-II)

To

1.The Chief Engineer(Personnel)
Tamil Nadu Generation & Distribution Corporation,
8th Floor, No.144, Anna Salai, Chennai 600 002.

2.The Superntending Engineer,
Theni Electricity Distribution Circle,
Theni.

+1cc to Mr.K.AppaDurai,Advocate Sr.No.97960

SML

KM/BK/SAR2/26.12.2018/2P/4C

Judgment made in
W.A. [MD]No.1608 of 2018
Dated: 30.11.2018