

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.04.2019

C O R A M

THE HONOURABLE Mr. JUSTICE S.M.SUBRAMANIAM

Writ Petition No.10706 of 2019
and W.M.P. Nos. 11200 & 11202 of 2019

1.Senthilmurugan
2.D.Suresh Babu
3.K.Thanigaivelan
4.T.Ganesan
5.D.Gunasekaran
6.P.John Nallthambi
7.A.Mohankumar
8.S.Maran
9.A.Partheeban
10.P.Narasingan
11.S.Selvasaravanabalan
12.G.Krishnamoorthy

... Petitioners

Vs.

1. The Secretary to Government,
Personal and Administrative Reforms Department,
Government of Tamil Nadu,
Chennai - 9.
2. Tamil Nadu Generation and Distribution,
Corporation Limited,
rep.by its Chief Engineer Personal,
Chennai.

... Respondents

PRAYER Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records of the 2nd respondent in order Lr.No.065885/611/G57/G571/2018 dated 02.02.2019 and quash the same and direct the 2nd respondent to permit the petitioners to apply for the post of Technical Assistant.

For Petitioners : Mr.B.Nedunchezhiyan

For Respondents : Mr.A.N.Thambidurai [For R1]
Special Government Pleader

Mr.P.R.Dhilipkumar
Standing counsel [For R2]

O R D E R

The Circular dated 02.02.2019 issued by the Chief Engineer [Personnel]-second respondent to fill up the vacancies of Technical Assistant/Electrical by internal selection through on-line and to call for particulars of qualified willing employees is under challenge in the present writ petition.

2. The present writ petition is filed challenging the Class (iii) of the Circular, which states that "the employees who have passed Diploma through Distance Education from any Universities or Institutions are not eligible for Internal Selection".

3. The learned counsel for the writ petitioner states that the writ petitioner had already undergone the Course through Open University System and he is not eligible, pursuant to the Circular issued by the Chief Engineer. Therefore, the petitioner is constrained to move the present writ petition.

4. The Hon'ble Supreme Court of India in the case of Annamalai University Vs. Secretary to Government, Information and Tourism Department and others reported in (2009) 4 SCC 590 held that the open university degrees obtained without undergoing the regular pattern of education i.e. 10+2+3 is ineligible for public employment. When the Hon'ble Supreme Court of India declared the Law by holding that the Open University Degrees are invalid, the State also issued orders implementing the judgment by stating that the candidates, who secured degrees through open university system are not eligible for public appointments /promotions.

5. This being the law laid down by the Hon'ble Supreme Court of India, which is implemented by the State Government, there is no infirmity in respect of the consequential circular issued by the Chief Engineer-second respondent, which is in consonance with the judgment of the Hon'ble Supreme Court as well as the guidelines issued by the Government.

6. This apart, the impugned order is nothing but a circular issued inviting the particulars of qualified willing employees. If at all the writ petitioner is qualified he should apply through on-line and not otherwise. This being the factum, the relief as such sought for deserves to be rejected as the writ petitioner has not established even a semblance of right to consider the contentions raised in this writ petition.

7. Accordingly, this writ petition stands dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

may

To

1. The Secretary to Government,
Personal and Administrative Reforms Department,
Government of Tamil Nadu,
Chennai - 9.
2. The Chief Engineer[Personnel]
Tamil Nadu Generation and Distribution,
Corporation Limited, Chennai.

+1 cc to Mr.B.Nedunchezhiyan, Advocate, S.R.No.36645

+1 cc to Mr.P.R.Dhilipkumar, Advocate, S.R.No.36653

W.P. No. 10706 of 2019

PA(CO)
SSM(28/05/2019).

सत्यमेव जयते
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