

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.03.2019

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P.No.11609 of 2017

and

WMP. Nos.12623 to 12625 of 2017

1. A.C.Selvamani
2. R. Velmurugan
3. A. Vasudevan
4. M.Radhakrishnan
5. P.Ponnusamy
6. S.Jothi
7. M.Thentamil
8. S.Chitradevi
9. A.Kannan
10. A.Sridhar
11. N.Kumaravel
12. R.Raja
13. S.Kalaiselvi
14. C.Lavanya
15. S.Thahir Basha
16. T.Rajathi
17. G.Srineevasan

...Petitioners

Vs

- 1.The Chief Engineer/Personnel,
Tamil Nadu Electricity Board/TANGEDCO,
8th Floor, NPKRR Maaligai,
TNEB Complex, 144, Anna Salai,
Chennai - 600 002.
2. The Chairman,
Tamil Nadu Electricity Board/TANGEDCO,
8th Floor, NPKRR Maaligai,
TNEB Complex, 144, Anna Salai,
Chennai - 600 002.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ or order of direction or any other Writ in the nature Writ of Mandamus to promote the petitioners to the post of Technical Assistant (Electrical) for internal selections under available vacancies of the

respondents' corporation on par with their juniors w.e.f.22.09.2016 with all service and monetary benefits within the time limit fixed by this Court.

For Petitioners : Mr.M.Vijayakumar
For Respondents : Mr.P.R.Dilipkumar,
Standing Counsel

O R D E R

Heard Mr.M.Vijayakumar, learned counsel for the petitioners and Mr.P.R.Dilipkumar, learned Standing Counsel for the respondents.

2. The petitioners seek a Mandamus directing the respondents, the Chief Engineer/personnel, Tamil Nadu Electricity Board/TANGEDCO and the Chairman, Tamil Nadu Electricity Board/TANGEDCO to promote the petitioners to the post of Technical Assistant (Electrical) for internal selection under available vacancies of the respondents' Corporation on par with their juniors w.e.f. 22.09.2016.

3. The case of all petitioners is that applications were filed seeking appointment to the post of Technical Assistant (Electrical) TANGEDCO. The petitioners are presently employed in various stations under the respondent Corporation and were permitted, while in service, to pursue a Diploma in Electrical and Electronics Engineering at Indira Gandhi National Open University (IGNOU), at its Regional Centre during the Academic Years 2012-13 and 2013-14. The petitioners have completed the course. IGNOU has certified that the petitioners have completed the Diploma in Electrical Engineering (on Campus/ Full time programme). Thus, there is no dispute in regard to the position that the petitioners have the requisite qualification as far as the post is concerned.

4. The counter filed by the respondents does not dispute the above facts. The only objection raised by the respondents is that the course duration in the certificate issued by the IGNOU specifies the period of study as 2/3/4 years and in the light of such variation, the course cannot be taken as a regular course.

5. Learned counsel appearing for the petitioners draws attention to proceedings dated 09.01.2015 issued by the TANGEDCO to the effect that in cases of appointments, such as in the present case, the following regulations would be held to be satisfactory.

'Note 1: In cases where the Regulations prescribe a diploma or a degree or a post-graduate degree as a qualification for appointment, then,

(a) a diploma obtained, after completion of S.S.L.C or Higher Secondary; (10+3 (3 years Diploma) or (10+2+2 (Lateral Entry)];

(b) a degree obtained, after completion of S.S.L.C. and Higher Secondary (10+2+3 or more);

(c) a post-graduate degree obtained, after completion of S.S.L.C., Higher Secondary and a degree (10+2+3+2 or 3)

from any university or institution, recognized by the University Grants Commission or any of the Universities recognized by the Government of Tamil Nadu, shall be recognized as the qualification'.

6. In the present case, it is an admitted fact that the petitioners have completed 10+2+2/DEEE. Thus, the qualification of the petitioners is not in question.

7. The next objection raised by TANGEDCO is that the petitioners have obtained their DEEE through Distance Education and is hence not acceptable as the candidate is required to have studied in the regular stream to be considered eligible. Learned counsel for the respondents relies on a communication issued by the University Grants Commission to The Vice Chancellor, Indira Gandhi National Open University (IGNOU) in October 2015.

8. The sum and substance of this communication is that the UGC directs IGNOU to scrupulously abide by various terms and conditions while offering programmes through distance learning mode. The terms are set out therein. I fail to see the relevance of this communication to the present case insofar as it addresses only programmes conducted over correspondence. In the present case, the certificate issued by IGNOU confirms unequivocally that the petitioners have studied on campus, in a full time programme. This objection is thus rejected.

9. Moreover, IGNOU has clarified on 09.04.2018 that the 'Diploma in Electrical Engineering (DEEE)' offered through Vertically Integrated Engineering Programme (VEIP) is not a distance education/correspondence programme. The communication is extracted hereunder:

' To

Chairman cum Managing Director,
TANGEDCO (TNEB),
Chennai.

Subject: Recognition of Diploma in Electrical Engineering through Vertically integrated Engineering Programme (VIEP) awarded by IGNOU for considering appointment/promotion in Government Service.

Sir,

As desired the case of 'Recognition of Diploma in Electrical Engineering awarded by IGNOU for considering appointment/promotion in Government Service" was discussed in detail in the School of Engineering & Technology IGNOU New Delhi by the committee constituted by the competent authority of IGNOU (Clarification/minutes of the meeting is enclosed). It is to inform you that Diploma in Electrical Engineering under VIEP was designed and was conducted in face-to-face mode through different programme study centres all over India. The programme is full time programme conducted in flexible timing mode at programme study centres. The Programme Diploma in Electrical Engineering of IGNOU offered through Vertically Integrated Engineering Programme (VIEP) is not a distance education/correspondence programme.

IGNOU is a CENTRAL UNIVERSITY established by Act of Parliament in 1985 (Act No.50 of 1985). IGNOU Degrees/Diplomas/Certificates are recognized by all the members of the Association of the Indian Universities (AIU) and are at par with Degrees/Diplomas/Certificates of all the Indian Universities/Deemed Universities/Institutions vide UGC Circular No.F.I-8/92 (CPP) dated February, 1992, AIU Circular N.EV/B (449)/94/176915 dated 5th January, 1994 & UGC Circular No.F1-52/2000 (CPP-II) dated May, 2004.

Int helight of the above fact, Diploma in Electrical Engineering through Integrated Engineering Programme (VIEP) awarded by IGNOU may please be accepted for the purpose of recruitment/promotion in your esteemed organization.

Thanking you'

10. In the light of the above clarification, the objection raised fails.

11. This Court while admitting this writ petition on 05.05.2017 has accepted the request of the petitioner to keep one post vacant in the promotional post of Technical Assistant (Electrical) in the office of the respondents, in respect of each petitioner. In the light of the same, the petitioners shall be accommodated in the post kept vacant as per the order of this Court above. The respondents are directed to pass necessary orders within a period of one (1) week from the date of receipt of a copy of this order. The appointment shall be made with effect from 22.09.2016 with all consequential benefits.

12. The Writ Petition is allowed in the aforesaid terms. Consequently, connected miscellaneous petitions are closed. No order as to costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

rkp

To

1.The Chief Engineer/Personnel,
Tamil Nadu Electricity Board/TANGEDCO,
8th Floor, NPKRR Maaligai,
TNEB Complex, 144, Anna Salai,
Chennai - 600 002.

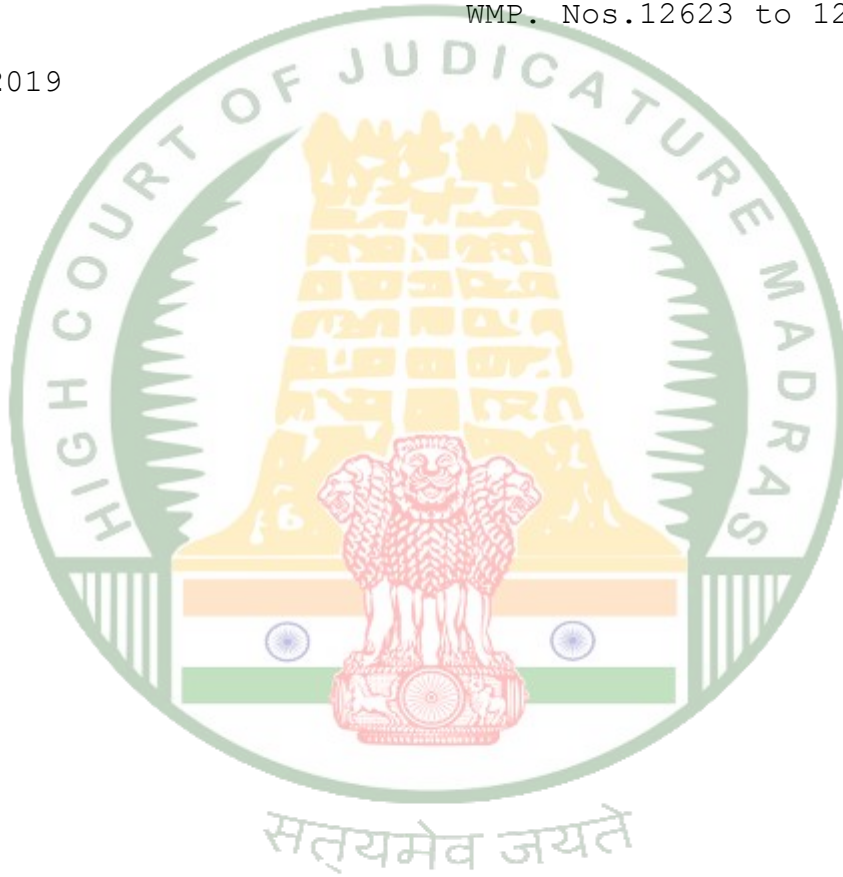
2. The Chairman,
Tamil Nadu Electricity Board/TANGEDCO,
8th Floor, NPKRR Maaligai,
TNEB Complex, 144, Anna Salai,
Chennai - 600 002.

+1cc to Mr.P.R.Dilipkumar, Advocate sr.no.24251
+17ccs to Mr.M.Vijaya kumar, Advocate sr.no.25018

W.P.No.11609 of 2017
and

WMP. Nos.12623 to 12625 of 2017

nr 09/04/2019



WEB COPY