



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 26.04.2019
CORAM:
THE HONOURABLE MR.JUSTICE R.MAHADEVAN

WEB COPY

W.P. (MD) No.5704 of 2017
and W.M.P. (MD) .Nos.4558 of 2017 & 2797 of 2019

R.Radhakrishnan

.. Petitioner

Vs.

1.The Chairman,
Tamilnadu Generation & Distribution Corporation,
NPKRR Maaligai, 10th Floor,
No.144, Anna Salai,
Chennai - 2.

2.The Chief Engineer (Personnel),
Tamilnadu Generation & Distribution Corporation,
NPKRR Maaligai, 8th Floor,
No.144, Anna Salai,
Chennai - 2.

3.The Superintending Engineer
Madurai Distribution Circle/Metro,
Tamilnadu Electricity Board (TANGEDCO Ltd.,)
K.Pudur, Madurai - 7.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the respondents to select the petitioner as Technical Assistant / Electrical by internal selection proposals by virtue of the Letter No.070556/51/G571/G571/2015-6, dated 21.12.2015 based on the petitioner's representation, dated 23.12.2016.

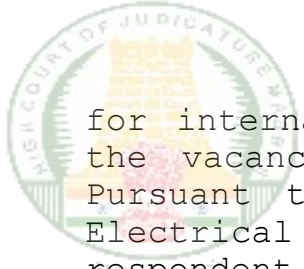
For Petitioner
For Respondents

: Mr.S.J.Abiram Vikash
: Mr.G.Kasinatha Durai

ORDER

Seeking a direction to the respondents to select the petitioner to the post of Technical Assistant (Electrical) by internal selection in the available vacancy of the respondent Corporation on par with his juniors with effect from 22.09.2016, the present writ petition came to be filed.

2.The case of the petitioner is that he was appointed as Field Assistant in the office of the AEE/Distribution/Melamadai Section in Madurai Metro Electricity Distribution Circle, Madurai, in the year 2014. The second respondent issued a letter dated 30.09.2015 calling



for internal selection proposal of qualified employees to fill up the vacancies for the post of Technical Assistant (Electrical). Pursuant to the same, the petitioner being a Diploma holder of Electrical Engineering, submitted his application to the third respondent on 19.10.2015. Thereafter, on 22.09.2016 the second respondent prepared a list of selected candidates for the post in question, wherein the name of the petitioner was not found place. Hence, the petitioner sent a representation dated 23.09.2016 to the respondents. Finding no response on the same, he has come up with this writ petition for the aforesaid relief.

3.The learned counsel for the petitioner submitted that the petitioner is having requisite educational qualification i.e., 10 + 2 + 2 for the post of Technical Assistant (Electrical) and he completed his Diploma in Electrical Engineering on Campus in a Full time programme conducted by IGNOU and hence, he is eligible to apply for the post in question, as per the regulations framed by the respondent Corporation, vide its proceedings dated 09.01.2015, the contents of which read as follows:

"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."

The learned counsel further submitted that the issue involved herein has already been considered and determined in favour of the petitioners therein vide order of this Court dated 14.03.2019 in WP.No.11609 of 2017 and hence, the case of the petitioner herein may be considered in the same lines, for which, the learned counsel appearing for the respondents has no serious objection.

4.Heard both sides and perused the documents placed before this Court, more particularly, the order dated 14.03.2019 passed in WP.No.11609 of 2017 relied on by the learned counsel for the petitioner, wherein, at paragraph nos.6 to 12, it has been held as follows:

"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 programmes is full time programme conducted in flexible timing mode at programme study centres. The Programmes Diploma in Electrical Engineering of IGNOU offered through



WEB COPY

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.

In the light 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 petitioners 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."

5. This Court is of the opinion that the aforesaid order is squarely applicable to the facts of the present case, as the petitioner is a similarly placed person like that of the petitioners therein. Accordingly, the petitioner succeeds in this writ petition.

6. It is to be noted at this juncture that on 05.03.2019, when the matter was taken up for consideration, this Court has granted an order of interim direction, directing the second respondent to keep one post as vacant in the post of Technical Assistant (Electrical).



7. In view of the above, the respondents are directed to accommodate the petitioner in the post kept vacant and pass necessary orders, within a period of one week from the date of receipt of a copy of this order. It is made clear that the appointment shall be made with effect from 22.09.2016 with all consequential benefits.

8. This writ petition is disposed of, in the above terms. No costs. Connected WMP (MD) Nos. 4558 of 2017 and 2797 of 2019 stand disposed of, as indicated in paragraph 7 above.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The Chairman, Tamil Nadu Generation & Distribution Corporation,
NPKRR Maaligai, 10th Floor,
No. 144, Anna Salai, Chennai - 2.
2. The Chief Engineer (Personnel),
Tamilnadu Generation & Distribution
Corporation, NPKRR Maaligai, 8^h Floor,
No. 144, Anna Salai, Chennai - 2.
3. The Superintending Engineer,
Madurai Distribution Circle/Metro,
Tamilnadu Electricity Board (TANGEDCO Ltd.,)
K. Pudur, Madurai - 7.

+1 CC to Mr. S. J. ABIRAM VIKASH, Advocate SR-63154.

W.P. (MD) No. 5704 of 2017
26.04.2019

CS: (13/06/2019) 5P 5C