

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 27.01.2020

Coram

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR
W.P.No.4004 of 2015 and
M.P.No.1 of 2015

R.Vivekanandan

... Petitioner

Vs.

1. The Secretary to Government,
Government of Tamil nadu,
Transport Department, Secretariat,
Fort St. George, Chennai 600 009.
 2. The Managing Director,
Tamilnadu State Transport Corporation (Coimbatore) Ltd.,
Head Office, No.37, Mettupalayam Road,
Coimbatore 641 043.
 3. The General Manager,
Tamilnadu State Transport Corporation (Coimbatore) Ltd.,
Coimbatore 641 043.
 4. The Registrar,
Vinayaga Mission's Deemed University,
Salem.
- ... Respondents

Prayer: This writ petition has been filed under Article 226 of the Constitution of India to issue a Writ of Mandamus or any other Writ, Order or Direction in the nature of a Writ directing the 2nd and 3rd respondents to consider the petitioner's representation dated 01.06.2014, followed by representation dated 05.02.2015 and thereby consequently direct the respondents 2 and 3 to include the name of the petitioner in the seniority list and select the petitioner for further promotion to the post of Assistant Manager in the respondent corporation who is in possession of the Degree B.E. (Mechanical) approved by All India Council for Technical Education.

For Petitioner : Dr.R.Gouri
For Respondents : Mr.S.Thangavel, Spl. Gov. Pleader
(for R1)
Ms. R.Devi
for M/s Sathish Parasaram (for R2)
Mr.P.Kannankumar (for R3)
No appearance (for R4)

O R D E R

This writ petition has been filed for direction to the 2nd and 3rd respondent to consider his representation dated 01.06.2014 and consequently include the name of the petitioner in the seniority list and select him for further promotion to the post of Assistant Manager in the respondent Corporation.

2. The case of the writ petitioner in nutshell is as follows:

The petitioner is working as Assistant Engineer in the respondent Transport corporation at Karumathampatti Branch, Coimbatore and he joined the service during the year 1993. At the time of joining service, the petitioner was a Diploma holder in Engineer Course. Thereafter, after obtaining permission from the head office, he had completed B.E. (Mechanical) 3 1/2 course (2008-2012) in Salem Vinayaga Mission Engineering College, which is a Deemed University approved by the All India Council for Technical Education.

2.1. The next avenue of promotion is to the post of Assistant Manager. The petitioner has made several representation, including the representation dated 01.06.2014, to the 3rd respondent to register his qualification and place his name in the seniority list to the post of Assistant Manager. Since the representations of the petitioner were not considered, again he made a representation dated 05.02.2015 to the 2nd and 3rd respondent which has also been pending long time. Hence, this writ petition.

3. The learned counsel appearing for the writ petitioner submitted that since the B.E. (Mechanical) part time degree obtained by the petitioner in the Vinayaga Mission Engineering College was not recognised by the Government, the respondent corporation has not considered the representation made by the petitioner.

4. He further submitted that the Government have passed an order in G.O.(Ms) No.270, Higher Education (J1) Department dated 03.12.2019 by accepting the recommendation of the 2nd Equivalence Committee meeting held on 06.11.2019 on the resolution Nos.151, 166, 230-238, 240-247, 247-A and 260-262 and recommendation of the 3rd Equivalence Committee meeting held on 12.11.2019 on the resolution Nos.2.10, 2.19, 2.20, 2.23 and 2.230 and 2.45 and gave necessary directions. He also placed the above said Government Order before this court and pointed out the relevant portion of the above said government order, pertaining to the Vinayaga Mission Research Foundation (VMR), Tamil Nadu, which is extracted hereunder.

The resolution No.2.23 of third equivalence

Committee Meeting held on 12.11.2019 :

Name of the Course	Equivalent / not Equivalent
Resolution No.2.23 Public Services - Educational Qualification - B.E. Degree acquired by distance Learning Mode Vinayaga Mission Research Foundation (VMRF), Tamil nadu validated by AICTE - UGC by conducting special Examination as per Honourable Supreme Curt's order to be treated as equivalent to degrees of regular stream for the purpose of employment in Public Services in respect of 3 candidates viz. Thiru K.Sakthivel, Thiru R.Madan and Tmt. D. Selvi.	Validated and Approved

Direction

v) direct that B.E. Degree acquired through Distance Learning mode in Vinayaka Mission Research Foundation (VMRF) Salem, Tamilnadu validated by AICTE-UGC by conducting special Examination as per the Hon'ble Supreme Court's order in SLP (C) Nos.19807-19808 of 2012 dated 03.11.2017 be validated and approved as equivalent to degrees of regular stream for the purpose of employment in Public Services (Resolution No.2.23) "

He therefore submitted that there is no legal impediment for the respondents to consider the representation of the petitioner to include his name in the seniority list and give promotion as Assistant Manager.

6. The learned Special Government Pleader submitted that at the time of doing the course in distance mode in the Vinayaga Mission Deemed University, Salem, which is 230 kilometers away from the place of work, the petitioner was working in the branch at Ooty. As such, the respondent has denied that the petitioner has undergone part time course and obtained B.E degree (Mechanical).

7. To that extent, the learned counsel appearing for the petitioner submitted that the petitioner got permission from the Managing Director to do B.E. in part time in the 4th respondent University and got leave for attending weekend classes and for semester exams. He also submitted that relevant records are available to establish the above said contentions and the petitioner is ready to place the above records before the authority concerned.

8. Accepting the above submission made by the learned counsel for the petitioner, this court is inclined to

give an opportunity to the petitioner to establish his contentions.

9. Accordingly,

i) the writ petitioner is directed to submit the relevant records to the 2nd respondent to establish the fact that he had undergone part time B.E. (Mechanical) degree course during the holidays, within a period of two weeks from the date of receipt of a copy of this order.

ii) On such receipt of the materials produced by the petitioner, the 2nd respondent corporation is directed to consider the representations of the petitioner dated 01.06.2014 and 05.02.2015, and pass an order in accordance with law, in the light of the G.O.Ms.No.270, Higher Education (J1) Department dated 03.12.2019, as early as possible, within a period of 12 weeks from the date of receipt of the records produced by the petitioner.

10. With the above direction, this writ petition is disposed of. The connected miscellaneous petition is closed. No costs.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

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1. The Secretary to Government,
Government of Tamil nadu,
Transport Department, Secretariat,
Fort St. George, Chennai 600 009.
2. The Managing Director,
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Head Office, No.37, Mettupalayam Road,
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3. The General Manager,
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4. The Registrar,
Vinayaga Mission's Deemed University,
Salem.

+1cc to Dr.R.Gouri, Advocate SR.No. 5767

+1cc to Mr.P.Kannankumar , Advocate SR.No. 6061

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