



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD)No.20513 of 2015

and

W.P. (MD)No.20514 of 2015

1.R.Saroja ... Petitioner in WP.20513 / 2015

2.Thirugnanasambandam ... Petitioner in WP.20514 / 2015

Vs.

1.The Chief Engineer (Personnel),
TANGEDCO,
No.144, Anna Salai, Chennai - 2.

2.The Superintending Engineer,
Trichy Metro Electricity Distribution Circle,
TANGEDCO
Trichy - 620 020.

... Respondents in both WPs

COMMON PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st respondent to grant Notional Promotion to the petitioners in the post of A.A.O (Assistant Accounts Officer) based on the recommendation of the 2nd respondent made in letter NO.629/ADMI/AR/F, Accounts Supervisor 2013 dt.07.11.2013 and also grant monetary benefits.

For Petitioners : Mr.M.Sureshkumar
(in both Wps.)

For Respondents : Mr.T.Sakthikumaran
(in both Wps.) Standing Counsel

COMMON ORDER

The relief sought for in the Writs on hand is to direct the first respondent to grant notional promotion to the petitioners in post of Assistant Accounts Officer, based on the recommendation from the 2nd respondent made in letter dated 21.04.2013, along with the monetary benefits.



2. The petitioners joined the services of the Tamil Nadu Electricity Board as Typist on 11.06.1979 and 16.04.1984 respectively. The petitioners passed the Departmental Test and promoted to the post of Assistant in the Accounts Department of the Electricity Board. The next avenue for promotion is Accounts Supervisor. But the petitioners claimed that they are fully qualified for the post of Assistant Accounts Officer. The panel of eligible persons were prepared, based on the seniority amongst the Accounts Supervisors fit for promotion to the post of Assistant Accounts Officer. The names of the petitioners were included in the panel fit for promotion. However, the promotion of the petitioners to the post of Assistant Accounts Officers were deferred on account of the fact that the B.Com., Degree obtained by the petitioners were under Open University. Further, the petitioners already reached the age of superannuation and retired from services .

3. It is needless to consider the other reasons, in view of the fact that the Hon;ble Supreme Court of India in the case of Annamalai University V. Secretary to Government, Information and Tourism Department, reported in (2009 (4) SCC 590), held that the Degree obtained through Open University is invalid. The Government also passed Orders, which were adopted by the Tamil Nadu Electricity Board that Open University Degree is invalid for the purpose of Public Employment and for promotion. The Law is settled that the Open University Degree, which were obtained without undergoing the regular pattern of education is not a valid degree, for the purpose of appointment as well as promotion. This being the principles settled by the Apex Court, the reasons stated by the respondents for not granting promotion to the post of Assistant Accounts Officer to the petitioners is in accordance with law and there is no infirmity as such. Thus, the Writ Petitions are devoid of merits and stand dismissed. No costs.

Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

MPK

To

1.The Chief Engineer (Personnel),
TANGEDCO,
No.144, Anna Salai, Chennai - 2.

<https://hcservices.ecourts.gov.in/hcservices/>



2.The Superintending Engineer,
Trichy Metro Electricity Distribution Circle,
TANGEDCO
Trichy - 620 020.

+1 cc to Mr.T.Sakthikumaran, Advocate SR.No.26448

W.P. (MD)No.20513 of 2015
and
W.P. (MD)No.20514 of 2015
17.12.2020

KM (21.01.2021) 3P 4C