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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.12.2021

CORAM:

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P.No.26300 of 2008

and

M.P.No.2 of 2008

- 1.D.Venkatesan
- 2.Y.G.Raguraman
- 3.S.Periasami
- 4.I.Sivaraman
- 5.J.Ganesan
- 6.M.Sabapathi
- 7.C.Natarajan
- 8.S.Jeevarathinam
- 9.G.Kavitha
- 10.D.Arul Manoharan
- 11.K.Venkatesan
- 12.W.P.Vikramaragavan
- 13.K.Thaiman
- 14.J.Chandrasekaran
- 15.S.Ravi

.. Petitioners

vs.

1. The Chairman,
Tamil Nadu Electricity Board,
No.144, Anna Salai,
Chennai-600 002.
2. The Chief Engineer / Personnel,
Administrative Branch,
Tamil Nadu Electricity Board,
No.144, Anna Salai, Chennai-600 002.
3. The Tamil Nadu Engineers Sangam,
Rep. By its Secretary,
Tamil Nadu Electricity Board,
No.144, Anna Salai,
Chennai-600 002.
4. The Chairman,
University Grants Commission,
Bahadur Shal Safar Marg,
New Delhi-110 001.



5. The Chairman,
Indira Gandhi National Open University,
Distance Education Council,
IGNOU, Maiden Garh,
New Delhi-110 065.

.. Respondents

(R5 and R6 impleaded as per the order dated
21.08.2013 in M.P.No.1 of 2011)

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus to call for the records relating to the proceedings in Memo No.071509/467/G.55/G.551/2008 dated 1.11.2008 on the file of the second respondent herein and to quash the same and directing the respondents 1 and 2 to promote the petitioners as the Assistant Engineers Electrical, with retrospective effect from the date when the vacancies fell such post of Assistant Engineer, Electrical and with all the accrued benefits within a time frame.

For Petitioner : Mr.G.Anandakumar

For Respondents : Mr.P.Subramanian,
Standing Counsel for R1 & R2

NA for RR 3,4 &5

O R D E R

The petitioner, challenging the impugned proceedings of the second respondent dated 01.11.2008, in and by which his claim for promotion to the post of Assistant Engineer Electrical with retrospective effect was rejected on the ground that the petitioner had obtained B.Tech qualification in Distance Education mode, has filed the present writ petition.

2. The learned counsel for the petitioner would submit that the petitioner's name was not considered for promotion on the ground that he did not possess the prescribed qualification for the post of Assistant Engineer Electrical on the ground that he had acquired B.Tech. qualification through Distance Education mode.

3. An identical issue came up before the Hon'ble Supreme Court of India in the decision in Orissa Lift Irrigation Corporation Limited v. Rabi Sankar Patro and Others [(2018) 1 SCC 468], wherein the Hon'ble Supreme Court has held that "prescribing and approving authority for grant of degrees in



Engineering is AICTE and not Distance Education Council (DEC) under Indira Gandhi National Open University Act, 1985 and therefore, Engineering Degrees in present case could not have been conducted by Open and Distance Learning Mode (ODL mode) even if approved by DEC, as they were not approved or expressly authorised by AICTE and therefore, Engineering Degrees obtained in the said cases conferred through ODL Mode was held illegal and consequently, no relief for students obtaining benefits like promotion in Government services on behalf of such degrees".

4. In the case on hand, the petitioner acquired B.Tech qualification through Distance Education Mode and therefore, in the light of the aforesaid decision of the Hon'ble Supreme Court, the claim of the petitioners cannot be considered. If any of the petitioners has satisfied the norms as laid down by the Hon'ble Supreme Court in the aforesaid decision, it is for the respondents to consider the claim of the petitioners in such cases and pass appropriate orders.

5. With the above observation, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

Jvm

To

1. The Chairman,
Tamil Nadu Electricity Board,
No.144, Anna Salai,
Chennai-600 002.
2. The Chief Engineer / Personnel,
Administrative Branch,
Tamil Nadu Electricity Board,
No.144, Anna Salai, Chennai-600 002.
3. The Secretary,
The Tamil Nadu Engineers Sangam,
Tamil Nadu Electricity Board,
No.144, Anna Salai,
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4. The Chairman,
University Grants Commission,
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5. The Chairman,
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IGNOU, Maiden Garh,
New Delhi-110 065.

+1cc to Mr.P.Subramanian, Advocate, S.R.No.68992

W.P.No.26300 of 2008

PA(CO)
SU(05/01/2022)