



WEB COPY

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 19.07.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.14523 of 2016

N.Selvaraj

...Petitioner

Vs

1.The Principal Secretary to Government,  
Highways & Minor Port Department,  
Fort St.George, Secretariat,  
Chennai.

2.The Director General,  
Highways Department,  
Chennai.

3.The Divisional Engineer,  
Highways Department,  
Gobichettipalayam,  
Erode District.

4.The Assistant Divisional Engineer,  
Highways Department,  
Sathyamangalam, Erode District.

...Respondents

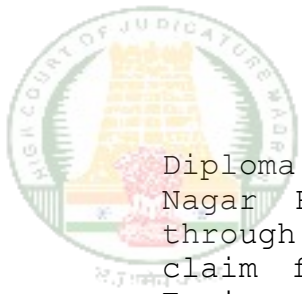
PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the proceedings of the fourth respondent in Na.Ka.No.244/2015/ENiU/Dated 04.04.2016 and quash the same as illegal, incompetent and ultravires and consequently direct the respondents to make necessary entry in respect of the petitioner educational qualification i.e., Diploma in Civil Engineering (DCE) in the petitioner Service Book thereby consider the petitioner for promotion to the post of Junior Engineer and for all other purposes based on the petitioner's representation dated 06.11.2015.

For Petitioner : Mr.R.Jayaprakash

For Respondents: Mr.K.V.Sajeev Kumar,  
Government Counsel

ORDER

By consent of both the parties, this writ petition is taken up for final disposal.



Diploma certificate in Civil Engineering from Janardan Rai Nagar Rajasthan Vidyapeeth (Deemed) University, Rajasthan, through distance education mode in year 2012. The petitioner's claim for entry of his qualification of Diploma in Civil Engineering in the service book and for consequential promotion to the post of Junior Engineer, has now been rejected.

3. The learned counsel for the petitioner submitted that, both Janardan Rai Nagar Rajasthan Vidyapeeth (Deemed) University, Rajasthan, as well as his qualification in Diploma in Civil Engineering through distance education, are recognized by the Government of Tamil Nadu and therefore, the impugned order rejecting his request for recognition of his qualification in Diploma in Civil Engineering and the consequential promotion, cannot be sustained.

4. As rightly pointed out by the learned counsel for the petitioner, Tamil Nadu State and Subordinate Service Rules has been amended through G.O.Ms.No.39 dated 30.04.2014, whereby Serial No.425 in Schedule (2) of the said Rules recognizes Janardan Rai Nagar Rajasthan Vidyapeeth (Deemed) University, Rajasthan. Likewise, G.O.Ms.No.242 dated 18.12.2012 also recognizes the three year Diploma obtained through distance education as a qualification for employment and promotion.

5. In the impugned order dated 04.04.2016 issued by the fourth respondent herein, it is stated that the petitioner had not supplied with certificates of recognition issued by the UGC/AICTE/DEC, recognizing the qualification of Diploma in Civil Engineering obtained by the petitioner through distance education, and therefore have refused the petitioner's request. Such a reasoning is not only unacceptable, but also opposed to the provisions of the Tamil Nadu State and Subordinate Services as well as the G.O.Ms.No.242 dated 18.12.2012. When a recognition is provided to the University under which the petitioner had obtained his Diploma in Civil Engineer through Distance Education and recognition of such three year Diploma is declared as an approval for qualification for promotion to the next post, the fourth respondent is not justified in insisting for certificates from UGC/AICTE/DEC. As such, the impugned order itself cannot be sustained.

6. In the light of the above observations made, the impugned order dated 04.04.2016 passed by the fourth respondent herein, is quashed. Consequently, there shall be a direction to the respondents 2 to 4 to make necessary entries in respect of the petitioner's qualification, namely Diploma in Civil Engineering obtained by him through distance education mode from Janardan Rai Nagar Rajasthan Vidyapeeth (Deemed) University, Rajasthan, in the service records of the petitioner, within a period of two weeks from the date of receipt of a copy of this order. Consequently, these



respondents are called upon to consider the petitioner's candidature for promotion to the post of Junior Engineer, without referring to the Diploma obtained by him in Civil Engineering through distance education from Janardan Rai Nagar Rajasthan Vidyapeeth (Deemed) University, Rajasthan, as a disqualification. In this regard, these respondents are called upon to consider the petitioner's representations dated 06.11.2015 seeking for his promotion, within a period of 12 weeks from the date of receipt of a copy of this order.

7. The present writ petition stands allowed accordingly.  
No costs.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

Sbn

To

- 1.The Principal Secretary to Government,  
Highways & Minor Port Department,  
Fort St.George, Secretariat,  
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- 2.The Director General,  
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- 3.The Divisional Engineer,  
Highways Department,  
Gobichettipalayam,  
Erode District.
- 4.The Assistant Divisional Engineer,  
Highways Department,  
Sathyamangalam,  
Erode District.

+1cc to Mr.R.Jayaprakash, Advocate, S.R.No.35024  
+1cc to the Government Pleader, S.R.No.34942

W.P.No.14523 of 2016

AK(CO)  
GN(16/08/2021)