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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.08.2021

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THE HON'BLE MR. JUSTICE C.SARAVANAN

W.P.No.15619 of 2019

and

W.M.P.Nos.15508, 15512 & 15513 of 2019

(Through Video Conferencing)

1.B.Ramesh Babu
2.N.Shanmuga Raj
3.K.Kumaresan

... Petitioners

Vs

1. The Chief Engineer/Personnel,
Tamil Nadu Electricity Board/TANGEDCO,
8th Floor, NPKRR Maaligai,
No.144, Anna Salai,
Chennai - 600 002.

2. The Chairman,
Tamil Nadu Electricity Board/TANGEDCO,
8th Floor, NPKRR Maaligai,
TNEB Complex,
144, Anna Salai,
Chennai - 600 002.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to promote the petitioners to the post of Assistant Engineer (Electrical) based on G.O.Ms.No.39 dated 30.04.2014, G.O.Ms.65 dated 02.07.2014 issued by Personnel and Administrative Reforms Department for internal selection under available vacancies of the respondents's board on par with their Juniors w.e.f 22.02.2016 for the 3rd petitioner and w.e.f. 29.05.2019 for 1st and 2nd petitioner respectively with all service and monetary benefits.

For Petitioner : Mr.L.Chandra Kumar for
Mr.R.R.Mohana Raja

For Respondents : Mr.P.Subramanian
for R1 & R2



ORDER

This Writ Petition has been filed to direct the respondents to promote the petitioners to the post of Assistant Engineer (Electrical) based on G.O.Ms.No.39 dated 30.04.2014, G.O.Ms.65 dated 02.07.2014 issued by Personnel and Administrative Reforms Department for internal selection under available vacancies of the respondents's board on par with their Juniors w.e.f 22.02.2016 for the 3rd petitioner and w.e.f. 29.05.2019 for 1st and 2nd petitioner respectively with all service and monetary benefits.

2.It is noticed that this identical issue has been decided by the Division Bench of this Court in W.A.No.3884 of 2019 and W.P.No.14337 of 2020 dated 04.02.2021. The Division Bench of this Court not only considered the decision of the Hon'ble Supreme Court in Mukul Kumar Sharma and others Vs. All India Council for Technical Education and others and has considered another decision of the Hon'ble Supreme Court in the case of Md.Naseem Baig and others Vs. All India Council for Technical Education and others. The operative portion of the said order of the Division Bench of this Court in W.A.No.3884 of 2019 and W.P.No.14337 of 2020 is reproduced below:-

The Writ Appeal has been filed by the Tamil Nadu Electricity Board as against the order passed by the learned single Judge on 14.03.2019 allowing the writ petition No.11609 of 2017 filed by the respondents 1 to 17/writ petitioners, who are employees of the Tamil Nadu Electricity Board working in various posts. The writ petition No.11609 of 2017 was filed for a Mandamus to direct the respondents therein to promote the writ petitioners to the post of Technical Assistant (Electrical) for internal selections under available vacancies of the respondents corporation on par with their juniors with effect from 22.09.2016 with all service and monetary benefits within a time limit to be specified by the Court.

2.W.P.No.14337 of 2020 has been filed by the petitioners seeking to issue a Writ of Mandamus directing the respondents to promote the petitioners retrospectively to the post of Technical Assistant (Electrical) and further promotions for internal selection under available vacancies of the respondents' corporation on par with their juniors w.e.f. 22.09.2016 with all service and monetary



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benefits within the time limit fixed by this Court.

3. Since the issues involved in W.A.No.3884 of 2019 is identical and connected with the issues involved in the writ petition No.14337 of 2020, W.P.No.14337 of 2020 was also directed to be posted along with the writ Appeal No.3884 of 2019 for disposal.

4. The claim of the writ petitioners in WP No.11609 of 2017 as also WP No.14337 of 2020 is that they are Diploma holders of vertically integrated Engineering Programme conferred by Indira Gandhi National Open University. Based on such qualification, the writ petitioners sought for promotion to the post of Technical Assistant (Electrical). Originally, their claim was not accepted because the Diploma obtained by them was not recognised by All India Council for Technical Education. According to the writ petitioners, in similar and identical matter before the Honourable Supreme Court, in the case of Mukul Kumar Sharma and others Vs. All India Council for Technical Education and others passed in WP (C) No.382 of 2018 dated 30.07.2018, The All India Council for Technical Education (AICTE) has stated No Objection for recognising the B.Tech Degree/Diploma conferred by IGNOU. Following the said decision of the Honourable Supreme Court, in the letters dated 11.12.2018 and 06.12.2019, AICTE has taken a definite stand that in view of the Judgment of Honourable Supreme Court dated 30.07.2018 in Mukul Kumar Sharma and others Vs. AICTE and others, they have no objection for recognising B.Tech degree/diploma in Engineering awarded by IGNOU to the students who were enrolled upto the academic year 2009-2010 to be treated as valid as a special case and it could not be taken as a precedence.

5. On 10.12.2019, when the above writ appeal was taken up for hearing, this Court directed AICTE to file an affidavit stating as to whether the programme undertaken by the respondents had been approved by AICTE or not and more particularly, whether the course undergone by the respondents in the year 2010-



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8. Accordingly, the appellants are directed to consider the representation of the writ petitioners in the light of the Judgment referred to above and to pass appropriate orders with regard to the claim of promotion preferably within a period of four weeks from the date of receipt of a copy of this order. This Writ Appeal as well as the writ petition are disposed of. No costs. Consequently, connected Miscellaneous petition (s) are closed.

3. On an enquiry, the learned counsel for the respondent as to whether this order has been appealed against or whether any stay has been obtained from the Hon'ble Supreme Court, the learned counsel for the respondent is unable to confirm as to whether the aforesaid order has been appealed against or stayed by the Hon'ble Supreme Court. Since the Division Bench of this Court in the above Writ Appeal as well as in the Writ Petition is holding in the field, this Court is inclined to pass similar order by directing the respondents to consider the representation of the respondents, in the light of the judgment rendered in the said order namely Mukul Kumar Sharma and others Vs. All India Council for Technical Education and others and another decision of the Hon'ble Supreme Court in Md. Naseem Baig and others Vs. All India Council for Technical Education and others and pass appropriate orders with regard to claim of promotion of the petitioners within a period of four weeks from the date of receipt of a copy of this order.

4. Accordingly, this writ petition stands disposed of in terms of the order of the Division Bench of this Court stated supra. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Deputy Registrar (CS)

//True Copy//

Sub Assistant Registrar

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To

1. The Chief Engineer/Personnel,
Tamil Nadu Electricity Board/TANGEDCO,
8th Floor, NPKRR Maaligai,
No.144, Anna Salai,
Chennai - 600 002.



2. The Chairman,
Tamil Nadu Electricity Board/TANGEDCO,
8th Floor, NPKRR Maaligai,
TNEB Complex,
144, Anna Salai,
Chennai - 600 002.

+3ccs to Mr.R.R.Mohana Raja, Advocate Sr No.39222
+1cc to Mr.P.Subramanian, Advocate Sr No.39381

W.P.No.15619 of 2019
and
W.M.P.Nos.15508, 15512 &
15513 of 2019

GPL (CO)
PR (31/08/2021)