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IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 29.06.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.7868 of 2017

Thiru.C.Dharmaraj B.E.,
Senior Draughting Officer (Retd).,
O/o.The Executive Engineer, P.W.D.,
Buildings Construction and Maintenance
Division (Medical Work),
Thirunelveli-627 011.

...Petitioner

Vs

1.The Engineer in Chief (WRO)
and Chief Engineer (General),
Public Works Department,
Chepauk, Chennai-600 005.

2.The Chief Engineer Buildings, Madurai,
P.W.D., Compound,
Thalakulam,
Madurai-2.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records of the first respondent in Letter No.S2 (2)/62558/2012 dated 29.07.2016 and to quash the same and consequently direct the first respondent to appoint the petitioner as Assistant Engineer notionally as on date he was eligible for appointment by transfer.

For Petitioner : Ms.Malarvizhi Udayakumar

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

O R D E R

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



2. The petitioner herein had obtained a degree in B.E., from Vinayaga Mission Research Foundation, Salem on 03.12.2008, through distant education mode. Prior to obtaining the degree, the petitioner had obtained prior permission from the second respondent. The grievance of the petitioner is that the first respondent herein, through the impugned order dated 12.08.2016, had rejected the petitioner's request for promotion to the post of Assistant Engineer on the ground that the B.E., degree obtained by him through distance education, is not equivalent.

3. During the relevant point of time, when the impugned order came to be passed, there was no equivalence committee constituted, for the purpose of determining the validity of the degrees obtained through distance education from Vinayaga Mission Research Foundation, Salem. Subsequently, through the proceedings in G.O.Ms.No.270, Higher Education (J1) Department dated 03.12.2019, the B.E., degree acquired through distant education mode from Vinayaga Mission Research Foundation, Salem, was validated by AICTE-UGC, by conducting the special examination in accordance with the orders of the Hon'ble Supreme Court passed in S.L.P.Nos.19807 and 19808 of 2012 dated 03.11.2017 and accordingly, such degrees were approved to be equivalent to the degrees of regular stream, for the purpose of employment in public services. In other words, the employees who had undertaken the B.E., degree course through distant learning mode from Vinayaga Mission Research Foundation were required to undergo a special examination to be conducted by AICTE-UGC for the purpose of validating their degree. Accordingly, if the petitioner herein had specifically undergone the special examination conducted by AICTE-UGC, he would be entitled for promotion to the post of Assistant Engineer.

4. Though the impugned order cannot be strictly found fault with, since the validation of the petitioner's degree was a subsequent development pursuant to the Hon'ble Supreme Court, the same cannot now be sustained, in view of G.O.Ms.No.270, Higher Education Department dated 03.12.2019.

5. Accordingly, the impugned order dated 29.07.2016 passed by the first respondent stands quashed. Consequently, the petitioner is at liberty to approach the first respondent herein seeking for promotions with a representation enclosing the necessary documents of having successfully completed the special examination conducted by the AICTE-UGC and on receipt of the same, the first respondent herein shall consider the said representation, in the light of the observations made in this order and pass suitable orders, within a period of three months



from the date of receipt of the representation.

6. Accordingly, the writ petition stands ordered. No costs.

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Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

sbn/hvk

To

1.The Engineer in Chief (WRO)
and Chief Engineer (General),
Public Works Department,
Chepauk, Chennai-600 005.

2.The Chief Engineer Buildings, Madurai,
P.W.D., Compound,
Thalakulam,
Madurai-2.

+1CC to Mrs.Malarvizhi Udayakumar, Advocate (SR No.29931)

+1CC to Government Pleader (SR No.30577)

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PCH (CO)
PR (20/07/2021)