



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE **M.M.SUNDRESH**

AND

THE HONOURABLE MRS.JUSTICE **S.ANANTHI**

W.A. (MD) No.1569 of 2019

and

C.M.P (MD) No.12437 of 2019

1.The Chairman

Tamil Nadu Generation and Distribution Corporation,
NPKRR Maaligai, 10th Floor,
No.144, Anna Salai,
Chennai - 600 002.

2.The Chief Engineer (Personnel)

Tamil Nadu Generation and Distribution Corporation,
NPKRR Maaligai, 10th Floor,
No.144, Anna Salai,
Chennai - 600 002.

3.The Superintending Engineer

Madurai Distribution Circle/Metro,
Tamil Nadu Electricity Board (TANGEDCO Ltd.,)
K.Pudur,
Madurai -7.

: Appellants/Respondents

Vs.

R.Radhakrishnan

: Respondent/Petitioner

PRAYER: Appeal filed under Clause 15 of the Letters Patent as against the order dated 26.04.2019 made in W.P. (MD) No.5704 of 2017.

Prayer in WP (MD). 5704/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Mandamus directing the Respondents to select the Petitioner as Technical Assistant / Electrical by internal selection proposals by virtue of the Letter No.070556/51/G571/G571/2015-16 dated 21.12.2015 based on the Petitioners representation dated 23.12.2016 and pass such further or other orders as this Honble Court.

For Appellant

: Mr.T.S.gopalan

For Respondent

: Mr.T.Cibi Chakraborty

JUDGMENT

(Judgment of the Court was delivered by **M.M.SUNDRESH, J.**)

This appeal has been preferred by the appellants, aggrieved over the order passed by the learned Single Judge.



2. In the aforesaid order, the learned Single Judge directed the appellants to accommodate the respondent in the post kept vacant in pursuant to the interim order granted by this Court and pass appropriate orders within the time mentioned thereunder.

3. The present writ appeal has been filed only with respect to the qualification of the respondent. As submitted by the learned counsel for the respondent, it is no longer res integra.

4. Considering the same issue, Division Bench of this Court, in W.A.No.3884 of 2019, dated 04.02.2021, after taking note of the earlier order passed by this Court and that of the Apex Court in WP (C) No.1341 of 2019, was pleased to direct the appellants to consider the representation of the writ petitioner therein, in tune with the aforesaid order. The following is the relevant portion of the order passed :

"6. Pursuant to such direction, an affidavit dated 08.12.2020 has been filed by the Regional Officer, AICTE along with judgment dated 18.09.2020 of the the Honourable Supreme Court passed in WP (C) No. 1341 of 2019 in the case of **(Md. Naseem Baig and others vs. All India Council for Technical Education and others)** in WP (C) No. 1341 of 2019 wherein it has been held as follows:-

"Heard the learned counsel for the parties.

In the present case, the petitioners before us are diploma holders in what is called the Vertically Integrated Engineering Programme, which is one of the two distance education courses conducted by IGNOU. We had, vide order dated 11.03.2019, stated that degrees and diplomas of IGNOU in such distance education courses up to the years 2009-2010 be left undisturbed. We grant the same relief to the petitioners who will be covered in the years 2010-2011 and 2011-2012.

We make it clear that since there is no distance education courses in IGNOU after these years and these are the last batches who will be granted the reliefs that were granted by our order dated 11.03.2019, as a one-time measure therefore, these batches will also be granted this relief. We allow this writ petition with no order as to costs."

7. Today, when the writ appeal as well as writ petitions were taken up for hearing, it is stated by the learned counsel for AICTE that the said judgment applies to the case of the writ petitioners herein. It is further stated that as



per the decision of the Honourable Supreme Court, AICTE recognises the decree and diploma awarded by IGNOU through distance education to the candidates who were enrolled with IGNOU upto the academic sessions 2010-2011 and 2011-2012 and no further separate order needs to be issued by AICTE.

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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. The Writ Appeal as well as the writ petition are disposed of. No costs. Consequently, connected miscellaneous petition (s) are closed."

5. In view of the above, the issue sought to be raised is no longer available. Accordingly, the writ appeal stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CSIII)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

+1 CC to M/s.P.MALINI, Advocate (SR-7877[F] dated 01/03/2021)

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NA (CO)

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