



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.03.2022

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THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.Nos.7266, 7270, 7276, 7279 & 7281 of 2022
and W.M.P.Nos.7299, 7303, 7308, 7311 & 7313 of 2022

V.N.Chakravarthy	... Petitioner in WP/7266/2022
K.Arulananathan	... Petitioner in WP/7270/2022
D.Baskar	... Petitioner in WP/7276/2022
S.Murugan	... Petitioner in WP/7279/2022
G.Jothilakshmi	... Petitioner in WP/7281/2022

Vs.

1. The Chairman cum Managing Director,
Tamil Nadu Generation and Distribution
Corporation Ltd.,/Tamil Nadu Transmission
Corporation Ltd.,
No.144, Anna Salai, Chennai - 600002.
2. The Chief Engineer Personnel,
Tamil Nadu Generation and Distribution
Corporation Ltd./Tamil Nadu Transmission
Corporation Ltd.,
No.144, Anna Salai, Chennai - 600002.
3. The Registrar,
Vinayaka Missions University,
Director of Distance Education,
Ariyanur, Salem - 636308. ...Respondents in all WPs

Common Prayer : These Writ Petitions have been filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus, to direct the first and second respondents to extent the benefit of Government Orders in G.O.Ms.No.270 Higher Education (J1) Department dated 03.12.2019 and G.O.Ms.No.4 Higher Education (J1) Department dated 07.01.2022 in the petitioners' case for re-designation as Assistant Engineer (Electrical) based on the petitioners' representations dated 09.03.2021, 09.03.2021, 17.03.2021, 15.03.2021 and 15.03.2021 respectively, within the time limit that may be stipulated by this Hon'ble Court.



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For Petitioners : Mr.G.Thalaimutharasu
(in all WPs)

For Respondents : Mr.P.Subramanian
1 & 2 (in all WPs) (TNEB)

C O M M O N O R D E R

The relief sought for in the writ petition is for Certiorarified Mandamus to direct the first and second respondents to extent the benefit of Government Orders in G.O.Ms.No.270 Higher Education (J1) Department dated 03.12.2019 and G.O.Ms.No.4 Higher Education (J1) Department dated 07.01.2022 in the petitioners' case for re-designation as Assistant Engineer (Electrical) based on the petitioners' representations dated 09.03.2021, 09.03.2021, 17.03.2021, 15.03.2021 and 15.03.2021 respectively, within the time limit that may be stipulated by this Court.

2.Brief facts of the case:

(a).It is the case of the petitioners herein that they all have joined in the respondent's Corporation after completing the diploma in Electrical and Electronics Engineering to the post of Technical Assistant. Thereafter, they were promoted to the subsequent posts. After obtaining the prior permission to undergo B.E degree through distance education, the petitioners have pursued and completed the said course. As per the board proceedings in B.P.Ms.(FB).No.65, dated 12.08.1985, on acquisition of engineering degree, the Junior Engineer, Grade-1, were to be redesignated as Assistant Engineer and will be ranked in the seniority list of Assistant Engineer with reference to the acquisition of qualification. Whiles, the persons, who obtained B.E Degree through distance mode was put under test before the Hon'ble Supreme Court in Civil Appeal No.17869-17870 of 2017 in the case of Orisa Lift Irrigation Corporation Ltd., Vs. Rabishankar Patro & Others and wherein, the Hon'ble Supreme Court had suspended the degrees obtained by the candidates who passed such degree though distance education mode and further directed such students, who perceived the engineering degree through distance education mode, to pass an examination under the joint supervision of AICTE-UGC and promotion granted to such persons who obtained the degree through distance education will be governed on the basis of their passing the test by AICTE.



(b).This position was sought to be clarified in M.A.Nos.1795 & 1796 of 2017, wherein, the petitioners herein were also a party. The Hon'ble Apex Court after hearing the arguments, gave a direction for one time relaxation in favour of those candidates, who were enrolled during the Academic year 2001-2005, who are eligible to appear at the test to be conducted by AICTE. It was also clarified that no more such choices or exception will be given or made. Consequently, the petitioners herein appeared for the special test conducted by the AICTE-UGC and obtained validation certificate in the month of December 2018. Thereafter, the petitioners made a representation to the respondents on 06.03.2019 followed by 28.02.2020 seeking to re-designate them as Assistant Engineers with effect from the date of the getting original degree and fit them according to the seniority. Hence, the writ petition.

3.The learned counsel for the petitioner would submit that the directions of the Hon'ble Supreme Court is very clear to the effect that those persons, who have cleared the test within the stipulated time will get all the benefits restored to the and their degrees will stand revived fully and hence, the learned counsel for the petitioner submitted that the petitioners are entitled to be re-designated as Assistant Engineers and they must be given the seniority as per the date of inception into service.

4.The learned Standing Counsel appearing for the respondent corporation would submit that the petitioners have approached this Court after a substantial delay and if the request made by the petitioners is considered, it will cause effect in the settled position of the seniority of the Assistant Engineer. He would also submit that the promotion is not an automatic process and it depend upon availability of the vacancies in the post of Assistant Engineers and therefore, without getting into the zone of the consideration the petitioners will not be entitled for being considered for the promotion to the post of Assistant Engineer. Further, the learned Standing Counsel submitted that if at all the petitioners are entitled for re-designation, it can be considered only after the revalidation of the degree and taken date back to the date of joining.

5.Heard the learned counsels on either side and perused the materials placed on record.



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6.It is not in dispute that the Hon'ble Supreme Court has suspended the degree of all those students who underwent the course in the third respondent/deemed Universities through distance education and completed the course and the Hon'ble Supreme Court had directed the AICTE to conduct test for all those students who underwent the course in the deemed universities. Those students were given two choices to clear the test and if they clear the test within those two chances, all the advantages or benefits were directed to be restored to them and therefore, degree stands fully revived. It is also an admitted fact that the petitioners were parties to the above proceedings. Pursuant to the said judgment of the Hon'ble Supreme Court, the petitioners have appeared in the test conducted by the AICTE and got their degrees validated.

7.In view of the above, this Court is inclined to direct the respondent to consider the petitioners representations dated 06.03.2019 followed by 28.02.2020, seeking for re-designation as Assistant Engineers in accordance with the service regulations and consider their seniority and fit them accordingly in the seniority list and pass appropriate orders within a period of twelve weeks from the date of receipt of a copy of this order.

8.With the above direction these writ petitions disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

Dua
To

- 1.The Chairman cum Managing Director,
Tamil Nadu Generation and Distribution
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2.The Chief Engineer Personnel,
Tamil Nadu Generation and Distribution
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3.The Registrar,
Vinayaka Missions University,
Director of Distance Education,
Ariyanur, Salem - 636308.

+5 Ccs to Mr.G.Thalaimutharasu, Advocate sr 20672
+1 CC to Mr.P.Subramanian, Advocate sr 20568.

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and WMP.Nos.7299, 7303, 7308, 7311 & 7313 of 2022

SKM(CO)
SP(12/04/2022)