



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.04.2022

CORAM:

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P.No.9117, 9137, 9140 of 2022
and
W.M.P.No.8896, 8906, 8907 of 2022

C.Jeyaganesan	... Petitioner in WP.No.9117/2022
M.Murugan	... Petitioner in WP.No.9137/2022
S.Palanivel	... Petitioner in WP.No.9140/2022

vs.

1. The Chairman cum Managing Director,
Tamil Nadu Generation and Distribution Corporation Ltd.,/
Tamil Nadu Transmission Corporation Ltd.,
No.144, Anna Salai, Chennai - 600 002.
 2. The Chief Engineer Personnel,
Tamil Nadu Generation and Distribution Corporation Ltd.,/
Tamil Nadu Transmission Corporation Ltd.,
No.144, Anna Salai, Chennai - 600 002.
 3. The Registrar,
Vinayaka Missions University,
Director of Distance Education,
Ariyanur, Salem - 636 308.
- ... Respondents in all writ petitions

Prayer in W.P.No.9117/2022: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the 1st and 2nd respondents to extent the benefit of Government Orders in G.O.Ms.No.270 Higher Education (J1) Department dated 03.12.2009 and G.O.Ms.No.4 Higher Education (J1) Department dated 07.01.2022 in the petitioner case for re-designation as Assistant Engineer (Electrical) based on the petitioner representation dated 05.03.2021 within the time stipulated by this Court.



Prayer in W.P.No.9137/2022: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the 1st and 2nd respondents to extent the benefit of Government Orders in G.O.Ms.No.270 Higher Education (J1) Department dated 03.12.2009 and G.O.Ms.No.4 Higher Education (J1) Department dated 07.01.2022 in the petitioner case for re-designation as Assistant Engineer (Electrical) based on the petitioner representation dated 05.03.2021 within the time stipulated by this Court.

Prayer in W.P.No.9140/2022: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the 1st and 2nd respondents to extent the benefit of Government Orders in G.O.Ms.No.270 Higher Education (J1) Department dated 03.12.2009 and G.O.Ms.No.4 Higher Education (J1) Department dated 07.01.2022 in the petitioner case for re-designation as Assistant Engineer (Electrical) based on the petitioner representation dated 06.03.2021 within the time stipulated by this Court.

In all writ petitions

For Petitioner : Mr.R.Jayaprakash

For RR1 & 2 : P.Subramanian
Standing Counsel

COMMON ORDER

By consent of both parties, this Writ Petition is taken up for final disposal at the admission stage itself.

2. The facts and circumstances and the issues involved in the writ petitions are one and the same and hence, this court passes the common order.

3. The writ petitions have been filed seeking to issue a Writ of Mandamus, directing the 1st and 2nd respondents to extent the benefit of Government Orders in G.O.Ms.No.270 Higher Education (J1) Department dated 03.12.2009 and G.O.Ms.No.4 Higher Education (J1) Department dated 07.01.2022 in the petitioner case for re-designation as Assistant Engineer (Electrical) based on the petitioners representation dated 05.03.2021 and 06.03.2021 within the time stipulated by this Court.



4. The case of the petitioners in brief:

The petitioners were initially appointed as Technical Assistant in the respondent Board and thereafter, they were promoted as Junior Engineer. After obtaining permission from the respondent Board, the petitioners joined B.E. Degree in the year 2005 in Vinayaka Mission University through distance education and completed the same in the month of March 2009. Since the petitioners possessed the valid degree in Engineering, they are entitled to be re-designated as Assistant Engineer.

4.1. The Hon'ble Apex Court in Civil Appeal No.17869 to 17870 of 2017 in the case of Orissa Lift Irrigation Corporation Ltd. Vs. Rabishankar Patro & Others, has made a direction to all the persons who have done B.E. degree under Distance Education mode from the Deemed University to clear the special test conducted by AICTE during May-June 2018 in two chances. Pursuant to the direction of the Hon'ble Apex Court, the petitioners participated in the Special Test and the AICTE-UGC had issued validation certificate to the petitioners. Therefore, the petitioners are fully entitled to be treated on par with the regular B.E., degree holders as well as to be re-designated as Assistant Engineer. In this regard, the petitioners have given representation dated 05.03.2021 and 06.03.2021 to the second and third respondents. But, they have not considered it. Hence this writ petition.

5. The learned counsel appearing for the petitioner submitted that, in similar Writ petitions in W.P.Nos.7266 of 2022 etc batch, vide order dated 25.03.2022, this court has directed the respondent Corporation to consider the representation of the petitioner therein. Hence, on the same line, direction may be issued to the respondent Corporation to consider the representations of the petitioners and to pass orders.

6. The learned Standing Counsel appearing for the respondent Corporation submitted that, if the petitioners satisfied all the directions given by the Hon'ble Supreme Court, their representations will be considered and their names will be included in the seniority list.

7. In view of the above submissions and also considering the limited scope of prayer, without expressing any opinion on merits, this court is inclined to pass the following order.

i) The second respondent is directed to consider the representations of the petitioner dated 05.03.2021 and 06.03.2021, and to pass orders on its own merits, in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.



8. With the above direction, the writ petition is disposed of. No costs. Consequently, connected writ miscellaneous petition is closed.

WEB COPY

Sd/-
Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

mst

To

1. The Chairman cum Managing Director,
Tamil Nadu Generation and Distribution Corporation Ltd.,/
Tamil Nadu Transmission Corporation Ltd.,
No.144, Anna Salai, Chennai - 600 002.
2. The Chief Engineer Personnel,
Tamil Nadu Generation and Distribution Corporation Ltd.,/
Tamil Nadu Transmission Corporation Ltd.,
No.144, Anna Salai, Chennai - 600 002.
3. The Registrar,
Vinayaka Missions University,
Director of Distance Education,
Ariyanur, Salem - 636 308.

+3ccs to Mr.D.Selvam, Advocate, S.R.Nos.26042 to 26044

+1cc to Mr.P.Subramanian, Advocate, S.R.No.26050

W.P.No.9117, 9137, 9140 of 2022

GSM(CO)
SU(02/05/2022)