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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.03.2022

CORAM:

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P.Nos.9185, 9188, 9191, 9195 and 9197 of 2020

and

W.M.P.Nos.11202, 11207, 11208, 11210, 11212,

11215, 11216, 11219 and 11220 of 2020

V.Elango	... Petitioner in W.P.No.9185 of 2020
K.Murugesan	... Petitioner in W.P.No.9188 of 2020
R.Settu	... Petitioner in W.P.No.9191 of 2020
S.Balasubramani	... Petitioner in W.P.No.9195 of 2020
RThirumurugan	... Petitioner in W.P.No.9197 of 2020
	vs.

1.The Chairman

Tamil Nadu Generation and Distribution Corporation Ltd.,
144, Anna Salai, Chennai - 600 002.

2.The Chief Engineer,

Personal,
8th Floor, Tamil Nadu Generation and
Distribution Corporation Ltd.,
144, Anna Salai, Chennai - 600 002.

3.The Superintending Engineer,

Purchase and Administration
Mettur Thermal Power Station - I,
Mettur, Salem District.

... Respondents in all the W.Ps

Prayer: Writ Petitions filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari to call for the records relating to the impugned Letter No.043656/589/G57/G571/2019-3 dated 25.02.2020 on the file of the 2nd respondent herein and quash the same.

For Petitioners : Mr.S.Kumaradevan in all WPs

For Respondents : Mr.P.Subramanian,
TNEB in all WPs

O R D E R

This writ petition has been filed for issuance of a Writ of Certiorari to call for the records relating to the impugned Letter No.043656/589/G57/G571/2019-3 dated 25.02.2020 on the file of the 2nd respondent herein and quash the same.



2). The case of the petitioners in brief:

The petitioner in the writ petition in W.P.No.9185 of 2020 joined the 1st respondent Company as Helper on 25.02.1998 at Erode Distribution Circle and thereafter in the year 2000 he was transferred to Mettur Thermal Station - I and the petitioners in the other writ petitions joined the 1st respondent Company on 01.05.1999 at Mettur Thermal Station - I.

2.1) In the year 2006, the Vinayaka Mission's Research Foundation Deemed University, Salem announced admission for Diploma in Electrical and Electronics Engineering (DEEE) for part time Diploma and Degree programmes in Engineering in Distance Education pattern. The petitioners have joined the course after obtaining prior permission and completed the Diploma in Electrical and Electronics Engineering with First Class.

2.2) The petitioners have applied for the post of Technical Assistant by internal selection from the qualified employees in R.W.E. And non-R.W.E. Categories, who possess the requisite qualification viz., Diploma in Electrical and Electronics Engineering etc., The petitioners have applied for the posts several times, but their applications were not considered. Therefore, they made a representation to consider their applications, but the same were not considered. Therefore, the petitioners filed writ petitions in W.P.Nos.34188, 34190 to 34193 of 2018 and the same were disposed of with an observation that the case of the petitioners to be considered whenever the process of promotion is undertaken and by strictly following the rules and regulations and after verifying the sanctity and validity of the Education qualifications possessed by the writ petitioners.

2.3) After receiving the said order in the writ petitions the petitioners have again made a representation to consider their applications, but, the respondents have not taken any action on their representations. Thereafter, the petitioner herein in W.P.No.9185 of 2020 made an RTI Application to the respondent's office and requested to provide the details of the action taken on his application as per the order of this Court. The same was rejected by the 2nd respondent vide letter dated 19.08.2019 by stating that he was the petitioner in the said writ petition and he is not eligible to get details regarding the same. Against the said rejection letter, the petitioner preferred an appeal and the appellate authority again rejected the same vide letter dated 10.10.2019 by stating the previous rejection letter of the 2nd respondent.

2.4) Against the above said two rejection letters, the



petitioner preferred a second appeal and received a letter dated 25.02.2020 from the appellate authority. In the said letter the 2nd respondent herein rejected the petitioner's claim for internal selection to the post of Technical Assistant without considering his education qualification as directed by this Court order in the writ petitions dated 04.04.2019. The reason stated for rejection is that the Institute of Vinayaga Mission Research Foundation, Deemed University is not coming under the purview of Directorate of Technical Education and that the educational qualification acquired by the petitioner is not equivalent, therefore the petitioner's name was not considered for the recruitment.

3) Relying upon the decision of the judgment made by the Hon'ble Supreme Court in the case of Md.Naseem Baig and others Vs. All India Council for Technical Education and others in W.P. (C) No.1341 of 2019 dated 18.09.2020 the learned counsel for the respondents would submit that the Hon'ble Supreme Court by order dated 11.03.2019 stated that degrees and diplomas of IGNOU in distance education courses up to the year 2009 - 2010 be left undisturbed. And the same relief was granted to the petitioners who will be covered in the years 2010-2011 and 2011-2012. But, the writ petitioners have completed the Diploma Course in Vinayaka Mission's Research Foundation Deemed University, Salem where the Diploma Course undergone by the petitioners have not been approved by AICTE.

4) The Hon'ble Supreme Court, in 'Orissa Lift Irrigation Corporation Limited vs Rabi Sankar Patro and Others, reported in [(2018) 1 SCC page 468] had observed as follows:

66.4. AICTE shall devise the modalities to conduct an appropriate test(s) as indicated in Para 58 above. The option be given to the students concerned whose degrees stand suspended by 15.01.2018 to appear at the test(s) to be conducted in accordance with the directions in Para 58 above. Students be given not more than two chances to clear test(s) and if they do not successfully clear the test(s) within the stipulated time, their degrees shall stand cancelled and all the advantages shall stand withdrawn as stated in Paras 57 and 58 above. The entire expenditure for conducting the test(s) shall be recovered from the deemed to be Universities by 31.03.2018.

66.5. Those students who do not wish to exercise the option, shall be refunded entire money deposited by them towards tuition fee and other charges within one month of the exercise of such option. Needless to say their degrees shall



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stand cancelled and all advantages/benefits shall stand withdrawn as mentioned in Para 58.

66.6. If the students clear the test(s) within the stipulated time, all the advantages/benefits shall be restored to them and their degrees will stand revived fully.

66.7. As regards students who were admitted after the Academic Sessions 2001~2005, their degrees in Engineering awarded by the deemed to be Universities through distance education mode stand recalled and be treated as cancelled. All benefits secured by such candidates shall stand withdrawn as indicated in Para 59 above. However, the entire amount paid by such students to the deemed to be universities concerned towards tuition fees and other expenditure shall be returned by the deemed to be universities concerned by 31.05.2018, as indicated in Para 59.

66.8. By 31.05.2018 all the deemed to be universities concerned shall refund the sums indicated above in para 66.07 and an appropriate affidavit to that extent shall be filed with UGC within a week thereafter.

66.9. We direct CBI to carry out thorough investigation into the conduct of the officials concerned who dealt with the matters and went about granting permissions against the policy statement, as indicated in Para 60 above and into the conduct of institutions who abused their position to advance their commercial interest illegally. Appropriate steps can thereafter be taken after culmination of such investigation.

66.10. UGC shall also consider whether the deemed to be University status enjoyed by JRN, AAI, IASE and VMRF calls for any withdrawal and conduct an inquiry in that behalf by 30.06.2018 as indicated above. If the moneys, as directed above, are not refunded to the students concerned, that factor shall be taken into account while conducting such exercise.

66.11. We restrain all deemed to be Universities to carry on any courses in distance education mode from the Academic Session 2018~2019 onwards unless and until it is permissible to conduct such courses in distance education mode and specific permissions are granted by the concerned statutory/regulatory authorities in respect of each of those courses and unless the off-campus Centres/Study Centres are individually inspected and found adequate by the concerned



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7) In view of the above discussion, these writ petitions stand dismissed with the above liberty. No costs.

Sd/-
Deputy Registrar (CS)

//True Copy//

Sub Assistant Registrar

dsa
To

- 1.The Chairman
Tamil Nadu Generation and Distribution Corporation Ltd.,
144, Anna Salai, Chennai - 600 002.
- 2.The Chief Engineer,
Personal, 8th Floor, Tamil Nadu Generation and
Distribution Corporation Ltd., 144,
Anna Salai, Chennai - 600 002.
- 3.The Superintending Engineer,
Purchase and Administration
Mettur Thermal Power Station - I,
Mettur, Salem District.

+5cc's to Mr.S.Kumara Devan, Advocate, S.R.No.13928 to 13932

+1cc to Mr.P.Subramanian, Advocate, S.R.No.14065

W.P.Nos.9185, 9188, 9191, 9195 and 9197 of 2020

NRL (CO)
KM(12/04/2022)