



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.02.2022

CORAM:

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P.No.10798 of 2020

and

WMP.No.13113 & 13116 of 2020

R.Kumarasamy

.. Petitioner

vs.

1. The Commissioner of Municipal Administration,
O/o. Commissionerate of Municipal Administration,
11th Floor, Urban Administrative Building,
(Opp. CIBA BLDG), 75, Santhome High Road,
MRC Nagar, Raja Annamalaipuram,
Chennai-600 028.

2. The Commissioner,
Udumalpet Municipality,
Udumalpet.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to include the petitioner's name in the panel for promotion for the post of Junior Engineer for the year 2020-2021 and promote the petitioner as Junior Engineer.

For Petitioner : Mr.R.Arumugam

For Respondents : Mr.S.Rajesh,
Government Advocate for R1

Mr.B.Anand for R2

O R D E R

The prayer in the Writ Petition is for a Mandamus directing the respondents to include the petitioner's name in the panel for promotion to the post of Junior Engineer for the year 2020-2021 and promote the petitioner as Junior Engineer.



2. The case of the petitioner is that he joined the services of the second respondent as Tap Supervisor on 31.09.2000. The second respondent, on 28.06.2005, gave permission to the petitioner to study Diploma in Civil Engineering in Vinayaga Mission University as part time course and completed the same in the year 2007. The petitioner thereafter was promoted as Overseer on 04.12.2008 and posted in different Municipalities as Draughtsman, Water Works Overseer and his next avenue of promotion is Junior Engineer. The qualification prescribed for the post of Junior Engineering is Diploma in Civil Engineering. The first respondent, on 23.05.2020, directed the Municipalities to send the names of eligible employees for preparing the panel for promotion to the post of Junior Engineer 2020-2021. The second respondent informed that the petitioner's name will not be sent for preparing the panel and therefore, challenging the same, the petitioner has filed the present writ petition.

3. The second respondent has filed a counter affidavit wherein it has been stated that the educational qualification for promotion to the post of Junior Engineer is Diploma in Civil Engineering and the petitioner did not possess the requisite educational qualification and the Diploma in Civil Engineering conducted by Vinayaka Mission University is a Part Time course and it is not a recognized qualification for being promoted as Junior Engineer and therefore, the petitioner's name was removed from the list for being promoted as Junior Engineer, since he has obtained degree from Distance Education. As per Rules 2 of the Tamil Nadu Municipal Engineering and Water Works Service Rules, 1970, "No Candidate possessing the Diploma in Engineering shall be eligible for appointment if a suitable candidate possessing the degree in Engineering for any University recognized by the University Grants Commission for the purpose of its grant is available for such appointment".

4. The issue involved in the present case is that the petitioner did not possess the requisite educational qualification prescribed by the competent authority for promotion to the post of Junior Engineer and he had undergone the Diploma Course in Civil Engineering from Vinayaga Mission University under Open University Mode, which is not recognized by the competent authority and no material has been produced to show that the said Course is recognized by AICTE and other affiliating authorities.

5. Accepting the stand taken by the second respondent in the counter affidavit, the Writ Petition stands dismissed. No



costs. Consequently, connected miscellaneous petitions are also dismissed.

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Sd/-
Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

Jvm

To

1. The Commissioner of Municipal Administration,
O/o. Commissionerate of Municipal Administration,
11th Floor, Urban Administrative Building,
(Opp. CIBA BLDG), 75, Santhome High Road,
MRC Nagar, Raja Annamalaipuram,
Chennai-600 028.
2. The Commissioner,
Udumalpet Municipality, Udumalpet.

+1cc to Mr.R.Arumugam, Advocate, S.R.No.10044

+1cc to the Government Pleader, S.R.No.10810

W.P.No.10798 of 2020

NRJK (CO)
SU (02/03/2022)