



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **04.11.2022**

CORAM:

THE HONOURABLE MR. JUSTICE **D.KRISHNAKUMAR**

Review Aplw Nos.91 to 95 of 2022

V.Elango : Petitioner in Rev.Appln No.91/2022
K.Murugesan : Petitioner in Rev.Appln No.92/2022
R.Settu : Petitioner in Rev.Appln No.93/2022
S.Balasubramani : Petitioner in Rev.Appln No.94/2022
R.Thirumurugan : Petitioner in Rev.Appln No.95/2022

versus

1.The Chairman,
Tamil Nadu Generation and Distribution Corporation Ltd.,
144, Anna Salai,
Chennai 600 002.

2.The Chief Engineer,
Personnel, 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,
Mettur, Salem District : Respondents

Petitions filed to review the order of this Court dated
02.03.2022 in WP Nos.9185, 9188, 9191, 9195, 9197 of 2020.



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For Petitioners :: Mr.P.Sesubalan Raja,
for Mr.S.Kumara Devan

For Respondents :: Mr.P.Subramaniam

COMMON ORDER

The petitioners have filed writ petitions in WP Nos.9185, 9188, 9191, 9195, 9197 of 2020 challenging the letter dated 25.02.2020 issued by the second respondent on the ground that they have undergone Diploma in Electrics and Electronics course in a Deemed University, which has not been considered by the respondent Department.

2. The learned counsel for the respondents relied on the decision of the Hon'ble Supreme Court in *Orissa Lift Irrigation Corporation Ltd. vs. Rabi Sankar Patro and Others*, [2018 (1) SCC 468]. Following the aforesaid judgment, this Court has rejected the claim of the petitioners and dismissed the writ petitions. The petitioners have filed these review petitions by relying upon the order dated 22.01.2018 in M.A.Nos.1795 and 1796 of 2017 (*Orissa Lift Irrigation Corporation Ltd. vs. Rabi Sankar Patro and Others*).

Paragraph 3 of the said order is usefully extracted as under:

“3.It is true, as is evident from paragraphs 34 and 46 of the judgment that the controversy in the present case pertained to validity of degrees in Engineering



conferred by the Deemed to be Universities through distance education mode and this Court was not called upon to consider validity of diplomas conferred by such Deemed to be Universities. However the advertisement issued by AICTE covers diploma courses as well. We therefore accept the submissions advanced by Mr.Dhruv Mehta and Mr.M.L.Verma, learned Senior Advocates and clarify that validity of such courses leading to diplomas was not subject-matter of the judgment.”

3. According to the petitioners, the subject-matter of the writ petitions viz., validity of diplomas conferred by such Deemed to be Universities was not an issue before the Hon'ble Supreme Court. In such circumstances, the petitioners request that their claim may be considered afresh.

4. Learned Standing counsel for the respondents relied upon the circular F.No.AICTE/P&AP/Misc/2020 dated 30.12.2020, wherein it was stated that Diploma Course given by the said Deemed to be University was not eligible for granting promotions. Learned counsel for the writ petitioners submitted that the circular cannot operate retrospectively. All these aspects have to be considered by the authority concerned, after giving opportunity of hearing to the writ petitioners.



5. This Court passed the order dated 02.03.2022 in WP Nos.9185, 9188, 9191, 9195 and 9197 of 2020, relying on the decision reported in *Orissa Lift Irrigation Corporation Ltd. vs. Rabi Sankar Patro and Others*, [2018 (1) SCC 468]. The subsequent order of the Hon'ble Supreme Court dated 22.01.2018 in MA Nos.1795 and 1796 of 2017 and the circular dated 30.12.2020 were not placed before this Court at the time of hearing the writ petitions.

6. Therefore, in the light of the order dated 22.01.2018 in MA Nos.1795 and 1796 of 2017 and the circular dated 30.12.2020, it is for the respondents to consider the request of the petitioners and take appropriate decision, after giving an opportunity to the parties concerned. Such exercise shall be undertaken by the respondents within a period of eight weeks from the date of receipt of a copy of this order.

7. The review applications are allowed.

04.11.2022

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To

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6

D.KRISHNAKUMAR, J.
(tar)

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