



W.P.No.25055 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.09.2022

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

Writ Petition No.25055 of 2022

N.Sudheer

.... Petitioner

-Vs-

1.The Tamilnadu Housing Board
Rep.by its Chairman
CMDA Building Campus
Koyambedu, Chennai 600 035.

2.The Managing Director
The Tamilnadu Housing Board
CMDA Building Campus,
Koyambedu, Chennai 600 035.

3.The Executive Engineer and
Administrative Officer
Hosur Housing Division
Tamilnadu Housing Board
Hosur – 635 109
Krishnagiri District

.... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents to consider the petitioner's representation dated 16.03.2022 and 14.07.2022 to include his name in the panel for promotion to the post of Executive Engineer.

For Petitioner : Ms.M.Adhishree
For Respondents : Mr.D.Veerasekaran, Standing Counsel

ORDER



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The prayer sought for herein is for a Writ of Mandamus directing the respondents to consider the petitioner's representation dated 16.03.2022 and 14.07.2022 to include his name in the panel for promotion to the post of Executive Engineer.

2. The petitioner is working as Assistant Executive Engineer at Tamil Nadu Housing Board and he has already acquired the qualification of B.E.Degree in the year 2009. The petitioner, according to him is eligible to be considered for the next promotional avenue ie., Executive Engineer and in the said promotion panel the petitioner's name has not been included, whereas his juniors have been considered and were given promotion.

3. Only in this context the petitioner already approached this Court by filing a writ petition in W.P.No.2425 of 2022, where the order passed by the respondents rejecting the claim of the petitioner as he has not attended the examination to validate the B.E., Degree obtained by him from a Private University as per the orders of the Hon'ble Supreme Court was under challenge. In this regard, since the said University is not an approved University, the learned Judge who disposed of the said writ petition, filed by the petitioner, on 22.02.2022 has held as follows.

" 6. Therefore, in the light of the directions passed by the



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Hon'ble Supreme Court, the respondents have perfectly passed the order by rejecting the claim. As far as the consequential prayer of the petitioner seeking liberty to approach the respondent Board and to seek for appropriate remedy otherwise eligible, it is for the petitioner to approach the respondent Board and seek for the remedy. This Court will not express any opinion on the request made by the petitioner."

4. Though the order of rejection had already been passed and the same has been upheld by this Court, further liberty was given to the petitioner to approach the respondent Board again to seek for appropriate remedy otherwise eligible and seek for the remedy.

5. Pursuant to the same or taking clue from the said observation made by the learned Judge, the petitioner has given a representation on 16.03.2022 and the said representation since has not been considered by the respondent Board he has filed the present writ petition with the aforesaid prayer.

6. Heard Ms.M.Adhishree, learned counsel for the petitioner who after having reiterated the aforesaid facts, would seek the indulgence of this Court to issue appropriate directions by way of Mandamus to the respondents.

7. Heard Mr.D.Veerasekaran, learned Standing Counsel for the



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respondents who would submit that, though petitioner is not eligible to claim the promotion because the degree obtained by the petitioner from the Private University without recognition and even the petitioner has not admittedly appeared and succeeded in the validation examination conducted in the year 2018, the representation of the petitioner for the said reason is liable to be rejected. However, the said representation so far has not been disposed and the respondents are willing to consider and decide the said representation in the light of the aforesaid order of the learned Judge within a time frame.

8. Considering the submissions made by the learned counsel for both sides and having regard to the facts and circumstances of the case, this Court is inclined to dispose of this writ petition with the following order.

“That there shall be a direction to the second respondent to consider and pass orders on the representation of the petitioner dated 16.03.2022 on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order and communicate the same to the petitioner within the said period.”



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9. With the above direction, this writ petition is disposed of. No costs.

16.09.2022

Index : Yes/No
Internet : Yes/No
KST
To

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R. SURESH KUMAR, J.

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