



W.P(MD)No.6403 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.12.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.6403 of 2021
and
W.M.P(MD)Nos.5011 & 5012 of 2021

1.N.Saravanan
2.A.Somasundaram
3.M.Jayachandran
4.P.Mahendran
5.A.Ramesh
6.S.Selvaboobathy
7.C.Sekar

... Petitioners

Vs

1.The State Represented by
The Principal Secretary to Government,
Transport Department,
Secretariat, St.George Fort,
Chennai – 600 009.

2.Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Represented by
The Managing Director,
No.27, Railway Station New Road,
Kumbakonam – 612 001.



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3.Senior Deputy Manager (HRD),
Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
No.27, Railway Station New Road,
Kumbakonam – 612 001.

4.D.Senthilkumar,
Assistant Engineer,
Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
No.27, Railway Station New Road,
Kumbakonam – 612 001.

(Representing the class of Assistant Engineers
whose Seniority will have to be readjusted based
on the Petitioners Seniority being revised from
the date of acquiring the degree)

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records of the Seniority List of Assistant Engineers (B.E.Holders-2020) dated 09.11.2020 and the Letter of the second respondent bearing TNSTC/Kum/HRD1/167/2020 dated 07.01.2021 (Resolution No. 96 dated 08.12.2020 of the 245th Board Meeting of the Tamil Nadu State Transport Corporation (Kumbakonam) Limited) and quash the same and consequently direct the respondents to include the names of the petitioners in the B.E.Seniority Panel List for promotion to the post of Assistant Manager from the date of their acquiring their B.E. Mechanical Engineering Degrees in 2007 to 2009 respectively, in accordance with the orders of the Honble Supreme Court dated 03.11.2017 and Tamil Nadu State Transport Corporation – Common Service Rules and all other consequential benefits.



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For Petitioners : Mr.Mohan for Mr.P.Parthiban

For Respondents : Mr.D.S.Nedunchezian
Government Advocate for R.1

Mr.P.Balasubramanian for R.2 & R.3

Mr.K.Gokul for R.4

ORDER

Heard the learned counsel on either side.

2.The fourth respondent has been impleaded in a representative capacity. He has been served only a few days back. The learned counsel also seeks time to file counter. It is for this reason that I decline to pass a full-fledged order and I restrict myself to setting aside the impugned seniority list and remanding the matter to the file of the Management.

3.The writ petitioners were employed as Assistant Engineers in the respondent Corporation. They were only Diploma Holders. While in service, they enrolled themselves as students of Vinayaka Missions University and obtained B.E Degree through Distance Education Program. The question that arises for consideration is whether such degree obtained through Distance Education is valid. The matter was dealt with by the Hon'ble Supreme Court in *Orissa Lift Irrigation Corporation Limited Vs Rabi Shankar Patro and*



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others on 03.11.2017. The petitioners wrote the revalidation test conducted by AICTE and cleared the same.

4.The petitioner's case is that the impugned seniority list has been issued without giving full effect to the decision of the Hon'ble Supreme Court. I am satisfied that the respondent Management has not taken note of the aforesaid ***Orissa Lift Irrigation Corporation Limited Vs Rabi Shankar Patro and others*** Judgment while preparing the impugned seniority list. In that view of the matter, it is set aside. The matter is remitted to the file of the second respondent. The second respondent will issue notice not only to the petitioners but also to all the stakeholders and after hearing them, issue a revised seniority list. This exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order.

5. This writ petition is allowed accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

02.12.2022

Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

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